

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARK CHAMBERLAIN,

CIVIL ACTION

Plaintiff,

NO. 20-cv-6572

V.

REC'D SEP - 0 2024

POLICE OFFICER BOGAN, ET AL.,

Defendants

NOTICE OF DISCOVERY

I, Mark Chamberlain, now file Discovery in the above caption case. Any documents within this package are documentation previously filed by, The United States Attorney's Office, the Common Pleas Courts Of Philadelphia, and or myself with the latter institutions. Within this discovery package please find the following:

- Pro-se amended omnibus motion (filed August 18, 2020)
- Pro-se motion to compel information (filed February 21, 2020)
- Pro- se Omnibus hearing Transcripts (held August 26, & September 14, 2020)
- Search warrant 212248
- Affidavit of Probable Cause
- Biographical Report
- Philadelphia Police Dept. Misconduct Disclosure (P/O Tyra Deveau #3212)
- Notice from U.S. Department of Justice revealing IAD investigation of P/O Jeffery Galazka #7481
- Correspondence from Adina Greenfield (Private investigator) to Atty. Mark Wilson (Plaintiff's U.S. Atty.)

- Misc. Documents from The Common Pleas Court Of Philadelphia showing the authentic signature of (The late) Kevin Devlin
- Evidence Control Data form of Rashon Carter #19-06643
- Property receipt #3393678
- Property receipt (of Rashon Carter) #3393768 matching Evidence Control Data form #19-06643
- Criminal Docket Sheet of Rashon Carter (MC-51-CR-0010379-2019)
- Philadelphia Municipal Court Arraignment Court Magistrate Schedule
- Memorandum from Police City of Philadelphia
- Blank search warrant signed and approved by Kate Lewis

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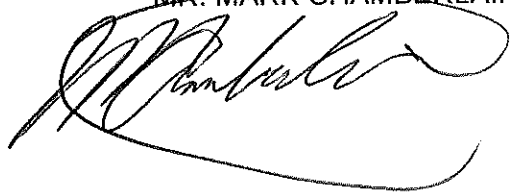
PROOF OF SERVICE

I, MARK CHAMBERLAIN, certify that I am this 9th day of September, 2024, Hand delivered a copy of this discovery, to the United States District Court For The Eastern District Of Pennsylvania, 601 Market st. Philadelphia, Pa. 19106 James Byrne rm 1206

Date:

09-09-24

MR. MARK CHAMBERLAIN



Name: MARK CHAMBERS
PP#859335
Detention Center
8201 State Road
Philadelphia, Pennsylvania 19136

Hon. CHARLES EHRLICH
Courtrooms: 608
PRO-SE DEFENDANT
NCD: AUGUST 26, 2020

Commonwealth of Pennsylvania

v.

MARK CHAMBERS

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL DISTRICT
OF PENNSYLVANIA
CITY OF PHILADELPHIA

Received

AUG 18 2020

CP-51-CR-0004488-2019

Office of Judicial Records
Prison Liaison Unit

CHARGES: PWID AND VUFA

AMENDED OMNIBUS MOTION

TO THE HONORABLE JUDGE CHARLES EHRLICH OF THE COURT OF COMMON PLEAS; PHILADELPHIA COUNTY:

Defendant, **MARK CHAMBERS**, in his **PRO-SE capacity**, moves this Honorable Court, pursuant to the United States and Pennsylvania Constitution's 4TH Amendment and Article I section 8 to suppress, 5th amendment (due process) and, 14th amendment (equal rights clause) PA Constitution's, Due process. This motion filed Pursuant to Pa. R. Crim. P. 578 and 581 **FOR JUST CAUSE, MOTIONS THE COURT TO SUPPRESS AND MOTION TO QUASH THE INFORMATION**

AND NOW, comes the PRO-SE Defendant **MARK CHAMBERS**, Respectfully Requesting the Suppressing of Physical Evidence, statement allegedly made during illegal intrusion, search warrant, initial (49) used for a affidavit of probable cause, criminal complaint, and to Quash the information and brings forth the following:

(A) Identification of his person, *due to the unduly highly suggestiveness of a unconstitutional preliminary hearing procedure,*

(B) (Alleged) physical evidence illegally seized from the Defendant's home without warrant or a detached magistrate's determination of probable cause and

(C) (Alleged) contraband found in the Defendants vehicle without warrant or a detached magistrate's determination of probable cause,

(D) *(Alleged) statement made by the Defendant, obtained during the illegal intrusion of the Defendant's privacy, illegal detainment, and subsequently illegal arrest*

by THE Philadelphia Police Department's Narcotics Field Unit Officials on or about the APRIL 22, 2019.

(E) THE ARREST MADE WITHOUT WARRANT, WITHOUT PROBABLE CAUSE, AND INSUFFICIENT CRIMINAL COMPLAINT FILED APRIL 23, 2019 signed by Jason Morgan (A REPRESENTATIVE FOR THE DISTRICT ATTORNEY OFFICE AS AFFIANT CAUSING A CONFLICT OF INTEREST IN THE PROSECUTION)

(F) SUPPRESS THE FRAUDULENT APPLICATION FOR SEARCH WARRANT

(G) SUPPRESS THE FRAUDULENT AFFIDAVIT OF PROBABLE CAUSE

(H) MOTION TO QUASH THE INFORMATION FILED BY THE DISTRICT ATTORNEY'S OFFICE PURSUANT TO PA. R. CRIM. P. 578 OF THE PRE-TRIAL OMNIBUS MOTION AND DEFENDANT AVERS THE FOLLOWING REASONS:

- *Subject Matter Jurisdiction,*
- *Lack Of Evidence, and*
- *For The District Attorney's Office Propagating a Falsehood and A Fraud Upon The Court*
- *Violations of the Pa. R. Crim. P. 560 and 504*

As grounds for this Motion, Defendant states: CASE HISTORY

- 1) That MARK CHAMBERS is the defendant in the above captioned case.
- 2) That on or about April 22, 2019 at approximately 4:30 p.m., Defendant was acting in a lawful and orderly manner in his home and there no warrants issued for his arrest, and were no exigent circumstances, that police officers can point to, justifying the entry of his residence without a warrant to search and seize, or a affidavit of probable cause.
- 3) At this time Defendant was arrested and was charged with possession with the intent to deliver, knowingly and intentionally possession w/intent to deliver, possession of drug paraphernalia, possession of a firearm prohibited, and possession of instrument of a crime.

- 4) The police unlawfully seized and searched Defendant and his home, without a warrant, without probable cause, without reasonable suspicion, or without Defendants consent.
- 5) Officers did not possess a arrest warrant for the defendant and did not have a valet description of a suspect to be seized. (ex. Application for warrant states, "B/M TARGET WEARING ALL BLACK")
- 6) That during this unlawful search and seizure, the police did not identify the Defendant as their suspect from prior unlawful acts *(4-16-2019, 4-18-2019 and 4-22-19)* on the days leading to the illegal intrusion.
- 7) These officers also illegally searched a parked vehicle on a public street. (Separate from his home) This vehicle was and still is registered to the Defendant and the police had no search warrant or consent to search the vehicle.
- 8) During the illegal intrusion the officers seized the following items (unconstitutionally):
 - (a) One amber (color) bottle of 10 oz. promethazine (from Defendant's vehicle)
 - (b) One revolver pistol (.38 caliber)
 - (c) One sawed off shotgun
 - (d) 2 pieces of mail with Defendant's name
 - (e) One galaxy note 8 cell phone
 - (f) One packet of heroin
 - (g) 26 (or 25, possible 27) suboxone strips
 - (h) 7 packets of crack cocaine (from clear baggie)
 - (i) Four pills (from clear container) alleged oxycodone
 - (j) One scale
 - (k) Unused clear packets
- (9) At preliminary Hearing the Defendant was subjected to a illegal identification procedure that has no independent bases.

(10) Through the production of Discovery by the Commonwealth and after inspection, it has been brought to the Defenses attention, that there is several fraudulent documentation. (ex. Lab reports, search warrants, affidavits, and property receipts)

(11) Furthermore, by comparison of the highly exaggerated hand writing of P/O Tyra Deveau # 3212, on a 229 form, it has been revealed she also forged information onto the application for search warrant, while also forging a non existant judge's name.

12) Defendant further explain (in court 7-22-2020) what made the discovery incomplete as follows: "I do not have any;(1) Any 75-48 Incident Reports or Investigation reports (2) 75-483 Statements from police officers, witnesses or Defendant (3) Photocopies of buy money (4) Pictures of any physical evidence and or (5) Inventory Receipts of alleged evidence taken from property.

13) When asked about these forms and if they were a part of the discovery (by the court), the A.D.A responded, "no your honor, not in this case".

It is the Questions and Answers from this hearing on 7-22-2020, the fraudulent documents produced through discovery and documents from Internal affairs about the credibility of police officer Tyra Deveau #3212, that has now cause this amended Omnibus motion to Quash, inter alia, the information filed by district attorney office. Defendant encourages the District Attorney's Office to remember, it's their burden to prove every element of the crimes alleged and to prove the evidence was not obtain in violation to the Defendants rights and to beware of the special obligation, to not prosecute cases, not based on probable cause (rule 3.8).

PART ONE: UNCONSTITUTIONAL IDENTIFICATION PROCEDURE

Defendant, MARK CHAMBER, IN HIS PRO-SE CAPACITY, motions the courts to **SUPPRESS IDENTIFICATION**, made by police officer Timothy Bogan #3358 at the Preliminary hearing held on June 24, 2019 in front of the **Honorable Rosario Jimenez**. This identification was unduly and highly suggestive, that being unconstitutional violating the Defendant's rights to due process. (5th amendment and 14th amendment)

This identification has no independency that could have arrive from the actual criminal act and presents the following proof:

- (1) The police report redacts alleged accounts of the days leading to the Defendant's arrest. Nowhere in this report does the report give information that the Defendant was the suspect investigated.
- (2) Throughout the entire report, the suspect is only identified as, a "black male", a "target", and or a "black male wearing all black with his hood up". Which one can clearly see is an indication of no current identity on the alleged "target".
- (3) The report continues by stating a B.M.V check revealed the Defendant's name and an address of a residence in the Southwest Philadelphia area of the city. This being given a single picture of the Defendant at that time. *(violating further the Defendant's due process rights)*
- (4) The arrest report was only after the arrest and refers to no evidence to refer, making the decision; the Defendant was involved in a crime and or wanted for investigation, prior to his arrest. *(ex. Vehicle and Pedestrian investigation report (75-48A))*
- (5) The seizure of the Defendant was subsequent to the illegal breach of privacy, kicking down the Defendant's front door, while looking for a unknown "black male wearing all black" that was allegedly seen 4 days prior, entering into the residence with a key that was never recovered from the Defendant.
- (6) There is no interview sheets (75-483) done by any witnesses (police officers) or the alleged C/I that could have shown a positive identification made by a CI or police officers.
- (7) There was no line-up or photo array done by any police officer, witness, or C/I to consider a identification prior to the preliminary hearing.

- (8) P/o Bogan only identifies the defendant due to the illegal intrusion. Violating not only the 4th amendment but also the 5th amendment rights to due process. Showing not only a abuse of power but a great disregard for the constitution.
- (9) Even the alleged search warrant on its face proves to not only not identify the suspect but its statement, in section titled, "name of owner, occupant or possessor" it states a vague description of a "target b/m wearing all black med to dark complexion Med to dark build. Proving no identity on the target and telling a different story than p/o Bogan (during preliminary hearing).
- (10) Even the personally typed version of the 75-48 (incident report) does not name the Defendant as the suspect, fails to give a description of a suspect and does not bare the license plate # of the vehicle allegedly obtain at the scene of the crime and the document is further proof of fraud.

The Commonwealth/Police Department cannot point to any proof indicating the Defendant was in no way a part of any drug transactions and have based their entire illegal intrusion, upon the Defendant, his family and home on fabricated events barring nothing of truth to survive suppression. (Pa. r. c. p 581)

PART TWO: AFFIDAVIT OF PROBABLE CAUSE

- 1) THE AFFIDAVIT (cut and pasted from redacted arrest report and 75-49 as shown by blacking out the names and numbers of police officers) refers to information allegedly given to Narcotics Field Unit Officers, pertaining to a b/m name "RON" selling drugs using cell phone number 215-609-7495 around the area of Anchor st. and Torresdale ave.
- 2) This information was give to these officers (NFU) by Patrick Mangold #767 of the Gun Violence Task Force (Affidavit states he is from the intelligences unit badge 4477) and P/o Winscom #7625 (no other info found on Winscom)
- 3) There is no information given to show when these officers obtained this info (time) or how they obtain this info (source).
- 4) No mention of a reliable source used to obtain this info (credibility) and
- 5) Patrick Mangold #767 (G.V.T.F) himself is a unreliable source for info, due to the finding of guilt, that he falsified information, forged confessions, perjury under oath,

threatened suspect to sign statements, and fraudulently identified defendants, that were never seen committing a crime.

- 6) "RON" has no connection to the Defendant, has no identity, no connection to the Defendants home and could possibly be the unknown black male/target wearing all black.
- 7) P/o Bogan claims to dial this cell phone number (215-609-7495) on 4-16-19 at approx. 2pm and hears a males voice answering and a one-sided conversation ensued.
- 8) The location of 5400 Torresdale was chosen to be a meeting place and approx. 5 mins later a Nissan Quest arrives on the scene, bearing the license plate # KYZ-0624, C/I enters for approx. 1 min and exit while back up officers follow the Quest.
- 9) While following the vehicle it pulls over at the corner of Hegerman st and Tulip st (2 ½ blocks away from the Defendants home but closer to the location of Sanger st where the criminal complaint states this contraband was seized from 6 days before (on 4-16-19)). These officers tried to set up surveillance, but by the time they circled the block the vehicle was unoccupied. (showing no identity on the driver/suspect)
- 10) Meanwhile p/o Galazka #7481 did a B.M.V check on the vehicle obtaining the name MARK CHAMBERLAIN and a address of 1235 S. 58th street (not 2139 Anchor st. that warrant seeks to search)
- 11) P/o Bogan (#3358) claims this set up was repeated on 4-18-19 but this time a unknown "b/m target wearing all black with his hood up" shows up to the 5400 block of Torresdale (near Sanger st.) and completes transaction with the alleged C/I. Then allegedly followed back to the Defendant's home and seen using a key to enter. (no key recovered)
- 12) The one transaction that (allegedly) occurred on 4-18-19, with an unknown b/m followed back to the home of the Defendant, is the only thing could have been used to determine probable cause.

- 13) This unknown black male, has no connection to the Defendant's home for police officer Bogan to point out to a magistrate's determination of probable cause. (on 4-22-2019)
- 14) There was no observation of unknown b/m having a continuation of movements to and from the Defendants Home in between 4-18 and 4-22-19 for a determination of probable cause.
- 15) P/o Patrick Mangold #767, nor the C/I ever made any showing of a connection between drugs and the residence.
- 16) There was no drug transactions committed at 2139 Anchor st. for that matter and no info was ever given about the Defendant's home.
- 17) P/o Bogan #3358 only makes a assumption without knowledge or investigation or reasonable suspicion but only fabricated thoughts acquired after the illegal intrusion (*not sworn to a magistrate*).
- 18) P/o Bogan #3358 allegedly gave a description of the property a unknown black male entered using a key without address. P/o Galazka and Eleazer went back to the area and using the description obtain the address of 2139 Anchor st.
- 19) This shows to be unsure and only able to give a description and the Officers given the description never double-checked behind the others..
- 20) Proven by the fact that P/o Bogan and Deavux went by the location of 2100 Sanger st.
- 21) There is a showing of two (2) different properties observed by officers and only on one occasion, an unknown black male was suppose to be followed to the Defendant's home, being the only thing to determine Probable cause.
- 22) Again, no information received to connect unknown b/m, the cell phone or the original target "RON", to the Defendant's home involving any transactions.
- 23) The vehicle was registered to a different address (*1235 S. 58th st*) and the vehicle was not seen anywhere near 2139 Anchor st., making no showing of a connection to the "b/m

target” or to the vehicle. The “b/m target” did not even enter the Defendant’s home because a description of a home (on a block similar to others) is not a accurate address and officers given description (p/o’s *Bogan and Deavux*) never confirmed.

24) **IMPORTANT NOTE:** Subsequent to the Defendants arrest, discovery produced from the commonwealth and evidence control data form (*laboratory #19-06643*) barring information of another suspect District control # and property receipt # and could possibly be “RON”.

25) The information fails way to short of the “four corners” needed to show probable cause and all evidence is in order for suppression.

PART THREE: THE FACE OF THE APPLICATION FOR SEARCH

WARRANT AND AFFIDAVIT IS DEFECTIVE IN ITS ENTIRETY

- (1) As previously mention defendant was arrested April 22’ 2019 allegedly pursuant to search warrant #212248 and was arrested on multiple drug and firearm violations.
- (2) Defendant anticipates the Commonwealth attempt to introduce evidence allegedly found in the Defendant’s home without a valid search warrant.
- (3) The invalid search warrant allegedly issued to Narcotics Fields Unit Is dated 4-21-2019 but allegedly signed on 4-22-19 approx. 9:49 am (on Easter Sunday), that was suppose to authorize a search at 2139 Anchor st. in the Frankford section of Philadelphia’s 15th District.
- (4) Defendant submits to the application not only being fraudulent, forged, and strategically orchestrated but also not based on any accurate facts (affidavit).
- (5) The fraudulent (75-51) Affidavit of Probable Cause is titled “initial (49)” was allegedly sworn to by p/o Timothy Bogan #3358.
- (6) P/o Bogan identifies “crack cocaine and any substance under 1972, for items that were to be search for and seized pursuant to the search warrant.
- (7) Nowhere does it authorize the seizure of a cell phone or the vehicle to be search and this was allegedly everything connecting the defendant to the investigation. This omission is crucial to the credibility of the officer’s investigation.

- (8) The application indicates 2139 Anchor st as the property to be search even though the reading of the Defendant's vehicle tag # gave a completely different address. This further proving the defendant was not the alleged target.
- (9) The owner: Jean Paul Gulle, voter: James Rose, the target: b/m wearing all black, med. To dark compl., Med. Build. *(Further confirming no identification on a suspect)*
- (10) Affidavit *(as previously)* only mentioned a drug deal of a alleged dealer (unknown identity) was seen entering 2139 Anchor st. allegedly using a key (which was never recovered) after a transaction some three blocks away.
- (11) The Application carries many mishaps and reasons of doubt to authenticity (ex. 3 different versions of the document).
- (12) P/o Bogan uses his alleged 29 years of experience in Narcotics as to being a professional and playing a important role in the alleged probable cause decision.
- (13) Due to p/o Bogan's alleged 29 years of professionalism and experience, he should have known a lot better of a investigation was needed and was very lacking, which is very detrimental to his investigation. (AFFIDAVIT)

BRINGING ATTENTION TO:

- (a) Any information about the C/I's background or prior dealings with P/o Bogan (himself) or any other member of the Narcotics Field Unit and or whether or not this C/I has led to arrest which led to actual convictions.
- (b) Any information from the CI that he/she was aware of or observed illegal activity taking place in or around 2139 Anchor st.
- (c) How the conclusion of the b/m (suspect) had any connection to 2139 Anchor st. instead of someone who just possibly stop by after he committed a (alleged) crime some 3 blocks away.
- (d) A nexus between the cell phone, 5400 Torresdale, the unknown "b/m target wearing all black with his hood up" and the property other than a alleged following and key that was never recovered.
 - 1. On 4-22-19 upon execution of this alleged warrant #212248, officers immediately seized the defendant w/o cause or prior I.D or arrest warrant.
 - 2. All items allegedly seized placed on property receipts #'s 3393678, 3393679, and 3393680 but there was no property receipt for any alleged firearms.

3. A mention of and claim to the seizing of firearms, has no prior evidence (ex. property receipt) for the showing of (before arrest report or preliminary hearing or any of the evidence for that matter) the firearms ever being seized from 2139 Anchor st, but there is the criminal complaint, showing it was seized 6 days before, somewhere on Sanger st.
4. The Commonwealth did not move any evidence into exhibits (in reference to the firearms), as they did for narcotics, so that evidence should be waived.
5. On the face of the warrant in section "items seized" it does not specify the items allegedly seized but only categorize the items as:
 6. Drugs
 7. Para
 8. U.S.C
 9. Weapons
10. There was no filing of affidavit of probable cause, a search warrant, or the inventory receipt return to the magistrate or the clerk of courts in accordance to Pa. r. c. p. 210.
11. Thus being no proof a search warrant was every issued and no proof these items were every taking from 2139 Anchor st but the criminal complaint tells a better story. (Sanger st as previously mentioned)
12. Mr. Chambers seeks an order from the courts suppressing all evidence seized listed on property receipts (#3393678, 3393679, and 3393680 for cash, mail and phone from evidence and returned Pa. r. c. p. 588). Due to not only there being no probable cause presented to a magistrate but there is no authentication of a affidavit, a arrest warrant, a search warrant application or even a inventory of the seized items and without properly following the procedure by making these documents public, there can be no self authentication (pa. r. c. p. 902).

AMENDED SECTION

PART FOUR

(D) (ALLEGED) STATEMENT MADE BY THE DEFENDANT DURING THE ILLEGAL INTRUSION, SEARCH, SEIZURE AND ARREST.

The Commonwealth has made a showing of an attempt to use a statement (allegedly) made, during the illegal intrusion, against the Defendant in a court of law. Furthermore, the Commonwealth has admitted in the same sitting, that there was no 75-483's and nowhere in the discovery does it show a Miranda was given, and or that a Miranda was waived.

This statement has no proof of existence and there are no documents to show, that it was not just added, into a report in order to sustain a belief of guilt. A 75-49 was received on January 21, 2020 and was the first attempt to introduce a statement. (9 months or so after arrest)

The statement has no ground to survive a suppression, due to a lack of evidence to prove it even was made during a legal advantage point.

HISTORY

- 1) On 4-22-2019 police officers illegally entered the defendants home, by kicking down the front door without warrant or any other legal authority. Upon entry the Defendant was immediately detained without just cause (evidence).
- 2) Among other things P/O's Galazka and Sgt. Love have claimed, the Defendant stated, "He got the guns after the shootings occurred up on Benner and Torresdale and Anchor and Torresdale and he was carrying around the revolver for his own protection, while on the street".
- 3) As previously stated, A.D.A Mazmanian, admits there is no 75-483 (statement), but also through 75-49 (investigation report), there is no indication of a Miranda warning being given or a waiver thereof.
- 4) Furthermore, the statement was not entered into evidence and Defendant wasn't made notice of, until approx. 9 months after arrest and not mentioned through any previous reports.
- 5) The alleged statement given during the time of the illegal intrusion, illegal detainment, and or during the process of an illegal arrest must be suppress.

**PART FIVE: ARREST MADE WITHOUT WARRANT, WITHOUT PROBABLE CAUSE
AND BY CRIMINAL COMPLAINT WITHOUT AFFIDAVIT AND OR SUFFICIENT
SUMMARY OF CHARGES**

1. Through discovery defense has discovered there is no warrant authorizing his arrest and lacks proper documentation (75-48(A)) needed to articulate reasons for searching the Defendant during illegal intrusion. (According to PPDD 12. 11 Appendix B section (B)(c)(3))
2. The Commonwealth has no documentation needed to prove the Defendant was an actual suspect, committed any crimes, and or that the Defendant was arrested in order to prove jurisdiction. (PPDD 12.11 section (8)(A) of the investigation division/unit, 12.11 APPENDIX B (4)(B) and 12.11 section APPENDIX B section (F))
3. Technically the Defendant is literally "KIDNAPPED" and the Commonwealth has no proof for justification showing why the Defendant has been arrested and or Detained, due to the police officer's ever reporting a investigation (75-48(A)) or an arrest for that matter.
4. No report, of a crime submitted, or even an arrest, to the district allegedly, having the jurisdiction over location, brings suspicion to how the Commonwealth received a District Control number in the first place. (proof of fraud)
5. The Criminal Complaint does not articulate the crimes charged and falsely reported by days and time. Basically does not follow Pa. R. Crim. P 504(2)(a) (b),(5), or (6)(a) and in violation of.
6. Defendant was arrested without warrant and there was no summons or warrant issued for arrest, after the initiation of the complaint. (violation rule 509 (2)(a))
7. The above reason, inter alia, the criminal complaint needs to be suppressed along with the arrest itself, because the complaint was insufficient, lacked an affidavit of probable cause for the arrest and no arrest warrant was every issued (according to supreme court rulings).
8. Furthermore, there's a conflict of interest, by charges being initiated by a representative for the District Attorney Office, having no personal knowledge of events, who is a part of the same entity attempting to prosecute and both seek the same benefit and or gain.

PART SIX: MOTION TO QUASH THE INFORMATION FILED BY DISTRICT ATTORNEY ON JUNE 27, 2019 AFTER PRELIMINARY HEARING

1. On June 27, 2019, the District Attorney's Office filed a the Information against the Defendant pursuant to Pa. R. Crim P. 560.
2. This filing based on a prima facie case (allegedly) established by the Commonwealth on June 24, 2019, but the Defendant was prejudiced against, by the **UNDULY HIGHLY SUGGESTIVE IDENTIFICATION PROCEDURE**, and by false testimony allowed making the essential elements of the preliminary hearing defective.
3. Through the production of the "DISCOVERY" it has been revealed that, the Commonwealth lacks in evidence to prove a crime was committed (75-48(A)) and that the Defendant is the person (possibly) that committed a crime (no verification of identification).
4. Making the other half of the essential elements needed to establish a prima facie case during preliminary hearing defective as well. .
5. Without proper documentation of a crime being committed and or in what district it was reported, the Commonwealth has **NO PROOF OF JURISDICTION** and has failed (before beginning) to prove beyond a reasonable doubt the Defendant's guilt of any offense, that was never reported.
6. Furthermore, the Information is failing, according to **Pa. R. Crim. P. 560 (B)(3)and(5)**. For where the complaint has no mention of any other control substance except "crack cocaine" and the date claimed charges stem from investigation on the 16th of April (a Tuesday), which is a crime never reported, and property receipt states completely different D.C # from a completely different district and a location outside of Defendant home.
7. Wherefore, the Commonwealth continues the use of an arrest report (created after arrest) on the 22, of April (which was a Monday) at the Defendants home pursuant to a search warrant.
8. Rule 560 (B)(3) plainly states, " the date when the offense is alleged to have been committed if the precise date is known, and the day of the week if it is an essential element of the offense charged, provided that if the precise date is not known or if the offense is continuing one, an allegation that it was committed on or about any date within the period fixed by the statue of limitations shall be sufficient,

9. Part (B)(5) of rule 560 plainly states, “ a plain and concise statement of the essential elements of the offense substantially the same as or cognate to the offense alleged in the complaint,
10. Clearly, there are some violations to the rule when the criminal complaint is read along with many contradictions into the comparison of the information filed by the District Attorney’s Office.
11. Furthermore, the charges of the criminal complaint (showing of charges), goes outside the essential elements described in summary and there is no affidavit of probable cause attached (violating 4th and 14th amendment) to explain or verify, causing the Information document to become defective and making the information **LACK IN SUBJECT-MATTER-JURISDICTION**.
12. Due to Supreme Court’s rulings, it states in part, “....observing we have clearly set forth the requirements for subject-matter-jurisdiction, which includes, 1. **COMPETENCY** AND 2. **NOTICE**.
13. Through Discovery, we now see the Commonwealth has no evidence needed, in order to prove the Information stands on solid proof of Jurisdiction and or to show a prima facie case (was properly established), or proven without falsehood.
14. Even though, an alleged prima facie was shown during preliminary hearing, the honorable Rosario Jeminez, did not have the opportunity to see the fabrications of testimony and or fraudulent documents of discovery and or that lacks of documents (75-48 or 75-48(A)) to prove this events occurred.
15. Clearly contradicting a crime actually happen and the defendant is possibly the suspect (because they are allegedly pre-trial issues) inside the covered jurisdiction area.
16. Supreme court states in part, “.....Jeopardy does not attach until the prosecution has established a prima facie case.....”
17. Due to these recent discoveries, the Commonwealth **LACKS EVIDENCE**, to prove a prima facie case (on 6-24-2019), and to prove the elements of the charges or even to show (for just cause) that the Defendant could even be a possible suspect.
18. By allowing these fraudulent documents to stand uncorrected, while still proceeding to prosecute on such fraudulent documentation, is not only a showing of **MALICIOUS PROSECUTION** but also, **AN AFFIRMED FALSEHOOD AND A FRAUD UPON THE COURT**.

IN CONCLUSION

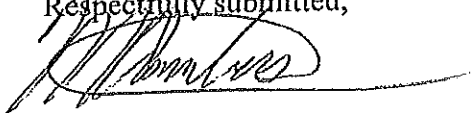
The Defendant has been extremely prejudiced against by not only a showing of bias judgments (continuous talk of criminal history) but by the Honorable Charles Ehrlich revoking Defendant's bail due to such. Continued use of the unauthenticated events of the case, intentional delays (by Hon. Robert P. Coleman), ineffective assistance (by Joseph L. Coleman), the non-investigation (from the D.A. Office), denial of access to the courts (which continues) by the misuse of COVID-19, unjustified delay (in allowing the Defendant to proceed pro-se), while still holding court proceeding without the Defendant. Refusing the Defendant discovery, illegally detaining the Defendant (With the intent to maliciously prosecute), even after fraudulent documentation was revealed, Defendant made the Commonwealth aware but also, by the showing of a conflict of interest within the Commonwealth/prosecution.

There is a showing of favoritism towards corrupt police officers and attempts to cover up the corruption. Not only due to the presumption of guilt (continuous use of criminal record), but leaving the Defendant **"GUILTY UNTIL PROVEN INNOCENT"**. Thus causing those who are in control of up-holding the Defendants rights, **TO IGNORE THE VIOLATIONS OF THE DEFENDANT'S UNITED STATES CONSTITUTIONAL RIGHTS AND FORCING THE DEFENDANT TO GO AGAINST ALL ODDS OF THE JUDICIAL SYSTEM.**

WHEREFORE, Defendant respectfully requests that this Court suppress the above-described evidence, the unduly highly suggestive identification, alleged statement made, search warrant, affidavit, the unreported arrest, Quash the Information and release the unconstitutional detained detainee.

This case is eligible for dismissal with prejudice, due to the extreme amount of **"BAD FAITH" AND THE UNEXPLAINABLE OMISSIONS OF PENNSYLVANIA PROCEDURES, WHILE IGNORING THE UNITED STATES CONSTITUTION, AS WELL AS OUR PENNSYLVANIA CONSTITUTION.**

Respectfully submitted,



MARK CHAMBERS

859335, Petitioner

AUGUST 4, 2020

Date

Commonwealth of Pennsylvania

v.

MARK CHAMBERS


IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL DISTRICT
OF PENNSYLVANIA
CITY OF PHILADELPHIA

CP-51-CR-0004488-2019

CHARGES: PWID AND VUFA

VERIFICATION

I, MARK CHAMBERS, verify that I am the petitioner in the foregoing Petition, and that the facts set forth therein are true and correct to the best of my knowledge, information and belief; and that this verification is subject to the penalties of 18 Pa. Cons. Stat. Ann. §4904 relative to unsworn falsification to authorities.


#859335, Petitioner

AUGUST 4, 2020
Date

Commonwealth of Pennsylvania

v.

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IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL DISTRICT
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CITY OF PHILADELPHIA

CP-51-CR-0004488-2019

CHARGES: PWID AND VUFA

PROOF OF SERVICE

I, MARK CHAMBERS, hereby certify that I am this day serving copies of the foregoing
AMENDED OMNIBUS MOTION and this proof of service on the following persons in the
manner indicated below:

Service by first class mail addressed as follows:

One (1) original to:

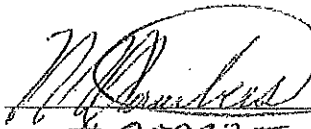
Juanita Kidd Stout Center for Criminal Justice
Motions Counter, 2nd Floor
1301 Filbert Street
Philadelphia, Pennsylvania 19107

One (1) copy to each of the following:

District Attorney's Office of Philadelphia
Larry Krasner, District Attorney
3 Penn Square
Philadelphia, Pennsylvania 19102

Juanita Kidd Stout Center for Criminal Justice
Hon. CHARLES EHRLICH
1301 Filbert Street, Suite 1419 RM.608
Philadelphia, Pennsylvania 19107

I understand that any false statements herein are made subject to the penalties of 18 Pa. Cons.
Stat. Ann. §4904 (relating to unsworn falsification to authorities).


859335, Petitioner

AUGUST 4, 2020
Date

MARK CHAMBERS
PP # 859335
C.F.C.F.
7901 STATE ROAD
PHILA, PA. 19136

Received
FEB 21 2020
Office of Judicial Records
Prison Liaison Unit

HON. JUDGE CHARLES EHRLICH
CORT ROOM: 608
PRO-SE DEFENDANT
NCD: FEB. 24, 2020

COMMONWEALTH

V.

MARK CHAMBERS

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL DISTRICT
OF PENNSYLVANIA
CITY OF PHILADELPHIA

CP- 51- CR- 0004488-2019

CHARGES: P.W.I.D AND V.U.F.A.

MOTION TO COMPEL INFORMATION

**PERTAINING TO WITNESSES, CONFIDENTIAL INFORMANT REGISTRY AND NARCOTIC FIELD UNIT
POLICE OFFICERS DIRECTLY INVOLVED IN THE ABOVE CAPTION**

**TO THE HONORABLE JUDGE CHARLES EHRLICH OF THE COURT OF COMMON PLEAS;
PHILADELPHIA COUNTY:**

Petitioner, MARK CHAMBERS, in his PRO-SE MANNER, moves for the courts to compel the Commonwealth, to turn over any of the information, herein requested, according to the rule of disclosure of discovery, as to do so is in the interest of justice.

This motion is in accordance with Pa. R. Crim. P. 573 (2) (a) (iv) (in part)....any other evidence specifically identified by the defendant, provided the defendant can additionally establish that its disclosure would be in the interest of justice.

In this particular case holds the exact type of interest of justice pertaining to the rule, which the pro-se Defendant will show a brief description as to why; to proceed

PART ONE: BRIEF OF CASE

(1) On 4-22-2019 the Defendant's front door of his home was violently kicked in and his home was breached by the narcotic field unit officers.

(2) At the time of the breach, these police officers from the N.F.U did not possess authorization to commit the home invasion. There was no affidavit of probable cause signed by a detached magistrate (or Judge) and there was no search warrant or arrest warrant, in order to search the premises (or seize any property) and or arrest the defendant.

(3) After the search and arrest, p/o Timothy Bogan #3358, went back to the residence of the Defendant's home and gave his spouse a unsigned carbon copy of a application for a search warrant and affidavit w/o a attach (75-51) affidavit of probable cause. (P/o Bogan name is present as affiant)

(4) Defendant has never been shown the alleged items taken from his residence, the police officers (N.F.U) have never properly inventoried these items (Pa. R. Crim. P 210) and even after request of discovery, Defendant still has not been shown any proof these items exist. (Alleged contraband)

(5) There were firearms that were allegedly found but not placed on a property receipt (the way the other alleged items were) and during preliminary hearing, the firearms were not moved into evidence as other items were. (See prelliminary transcripts pg. 23 lines 3-5) After the production of discovery, property receipts were introduced and lack proper procedure or chain of custody and have no way of informing the courts or the defendant where the firearms were selzed from and or who actually possessed them prior to introductory. (Especially because no D.N.A or fingerprint analysis was done on the firearm)

(6) What little pre-trial discovery the defendant was given, consist of recently dated lab reports (1-6-2020 and 1-13-2020), although according to docket sheet (7-31-2019) the discovery was

"passed at the bar of the court" and during the defendant's Grazer hearing A.D.A. Christina Giardina and Defendant's prior attorney (Joseph L. Coleman) both claimed to have completed copies of discovery. Showing not only deception but also the lack of required evidence in order to hold the Defendant for trial and or approve an arrest. (For The District Attorney's Charging Unit)

(7) There is scanned over documents, falsified signatures (forged) pasted on top of other documents to make attempts of authenticity, typed documents (that should be printed), as well as search warrants that are produced two separate ways. (Three including the one left at the Defendants residence)

(8) The Defendant believes these police officers are regularly participating in this illegal conduct and have been accused of doing such in the past. By their way of producing these fraudulent documents, it shows confidence that one should take as a sign, that these officers believe they will not get caught.

(9) The Defendant has been intentionally delayed (since 7-31-2019 to 1-3-2020) in his court proceedings and believes he has not been given no other excuses why (he's been delayed), other than because of the lack of discovery and evidence.

(10) Due to such misconduct and malicious prosecution that has already been shown, there can be no way this court should allow this case to proceed any further, until the authenticity of documents are established and the back ground of the following officers are produced in order to assure not only the trustworthiness of these officers but to also establish, (for the record), that none of them have been previously accused of, found guilty of, are not currently under investigation, (of or have been) reported to a supervisor, internal affairs, or through any computer assisted dispatch reports, complaining against these officers (for any type of misconduct) and if so, what was the ending results if any, for the following officers:

(from the Philadelphia police department's narcotic's field unit or any officer mentioned that is not from the N.F.U.)

1. Timothy Bogan #3358
2. Jeffery Galazka #7481
3. Tyra Deavux #3212
4. Brien Werner #1731
5. Rodney Eleazer # (May be a badge number below)
6. Bryan Sumter # 4819
7. Ernest brown #1926
8. Thomas Rola #4053
9. Richard Woertz # 7328
10. Sgt. Patrick Love # 8554
11. Lt. Robert Muldoon # 193
12. P/o McIntyre # 686
13. Patrick Mangold (G.V.T.F.) #4477
14. P/o Ruddy # 959
15. P/o Winscom # 7625 (C.I.U or G.V.T.F)

Some of these officers are currently under investigation and may or may not be currently on a list, which does not allow them to testify or conduct investigations without supervision approval or district attorney's approval. Furthermore, continued use of any of these officers found to be responsible of any misconduct (in their official or individual capacity), especially one identified in this motion, is a showing of the city of Phila. failure to remove the bad seeds of our city's judicial system. (ex. Patrick Mangold #4477 of G.V.T.F)

The Defendant is also asking the courts to compel the Commonwealth for the information pertaining to three (3) other badge numbers that are not identified by officer's names but are listed as participants in the search of the Defendant's home. (According to the fraudulent search warrant)

The following badge numbers are listed but without identification (name) and as far as the Defendant can see from the arrest reports and 75-49 (investigation report) are not mentioned as being participants in the investigation. The following are the badge numbers that information is being sought after;

- (1) 9416
- (2) 4855 and
- (3) 1802

This is a request of information in accordance to Pa. R. Crim. P 573 (2) (a) (iv) in attempt to not only enforce proper procedures but to also allow justice to run its course properly, under the 5th amendment and the 14th amendment. (Right to due process and equal protection clause) As well as the 6th Amendment (rights to a fair speedy trial)

PART TWO : PROOF OF REGISTRY FOR CONFIDENTIAL INFORMANT (# 1417)

PLEASE BE ADVISED: THIS IS NOT TO BE MISTAKEN AS A REQUEST FOR THE IDENTITY OF THE INFORMANT BUT ONLY PROOF OF REGISTRATION AS ALLEGED IN THE POLICE REPORT.

BRIEF HISTORY ON THE ALLEGED INFORMANT (#1417)

- (1) Based on police reports and 75-49, a confidential informant was used to purchase crack cocaine on April 16, 2019 and April 18, 2019 as well as April 22, 2019. (The alleged days of events leading to arrest)

(2) The reports identifies the C/I as #1417, who's information is confined in the 16th (on one property receipt and then, on another property receipt it states confined in the 15th) and who is mention as a participant in the illegal sales of crack cocaine. (Also to have been used in previous investigations, resulting in arrest and seizures DC#'s upon request) There are no mentions of arrest resulting in convictions.

(3) This alleged C/I #1417, gave no information (according to reports) that has led to any convictions and (according to reports) gave no information alleged or accusing Defendant of any transactions or involving the Defendant's home into any transactions or any belief that would cause a Magistrate or Judge to believe any reliable information was present to issue a search warrant for the Defendant's residence or to believe probable cause existed to do so.

(4) Furthermore, the Defendant has reasons to believe this "C/I" is not registered and or properly not being used accurately as instructed by police directives commands. (Due to other misconducts as previously mentioned)

(5) There is also the possibility this C/I, does not exist. For verification the Commonwealth should also be forced to provide the DC#'s that the reports, claim can be provided upon request.

(6) Proving or not having the ability to prove or produce documentation showing the registry forms for the use of this confidential informant (#1417), further shows these Narcotic Field Unit Officers are just following the "unwritten directive" directions of a policy under which they could "flip suspects into off- the books confidential informants", directed by police inspector Raymond Evers, in a meeting held in May 2017. (Also placing blame on Evers's supervisor Chief inspector Anthony Boyle. According to I.A.D reports)


(7) This is only proving further corruption and misconduct adding doubt to the credibility of these officers and showing the present case, before us, is tainted with intentional misconducts, malicious intent and bad faith. (As proven by documents of discovery)

(8) Due to all the information presented to the courts in this motion as well as others, there is a show of the importance, to produce the requested information (asked for in this motion) as well as the authenticity of all other documentation presently before the courts and or to soon be produced in the future by the Commonwealth or Philadelphia's Police Narcotic Field Unit.

WHEREFORE, Petitioner request the court to **COMPEL THE COMMONWEALTH** to release any information herein requested or in the alternative schedule a hearing for such. (Pa. R. Crim.P. 577)

DATE: 2-13-20

RESPECTFULLY REQUESTED,


PRO-SE DEFENDANT

Commonwealth of Pennsylvania

v.

MARK CHAMBERS

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL DISTRICT
OF PENNSYLVANIA
CITY OF PHILADELPHIA

CP-51-CR- 0004488 -20 20

CHARGES: PWID AND V.U.F.A

ORDER FOR HEARING

AND NOW, this _____ day of _____ (month and year),

upon consideration of the attached petition and upon motion of _____,

Esquire, attorney for the petitioner, it is ordered and decreed that a hearing on the petition be

held on the _____ day of _____ (month and year), at

_____ in Room _____,

Courthouse, and that a copy of the petition and of this order shall be served upon the District

Attorney and upon the prosecutor in this case.

By the Court:

J.

Commonwealth of Pennsylvania

v.

MARK CHAMBERS

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL DISTRICT
OF PENNSYLVANIA
CITY OF PHILADELPHIA

CP-51-CR- 0004488-20 20

CHARGES: PWID AND VUFA

VERIFICATION

I, MARK CHAMBERS, verify that I am the petitioner in the foregoing Petition, and that the facts set forth therein are true and correct to the best of my knowledge, information and belief; and that this verification is subject to the penalties of 18 Pa. Cons. Stat. Ann. §4904 relative to unsworn falsification to authorities.


859335, Petitioner

2-13-20
Date

Commonwealth of Pennsylvania

v.

MARK CHAMBERS

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL DISTRICT
OF PENNSYLVANIA
CITY OF PHILADELPHIA

CP-51-CR-0004488 -20 20

CHARGES: PWTD AND VUFA

PROOF OF SERVICE

I, MARK CHAMBERS, hereby certify that I am this day serving copies of the foregoing motion to quash and this proof of service on the following persons in the manner indicated below:

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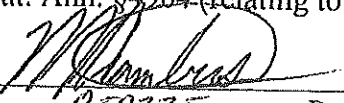
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One (1) copy to each of the following:

District Attorney's Office of Philadelphia
Larry Krasner, District Attorney
3 Penn Square
Philadelphia, Pennsylvania 19102

Juanita Kidd Stout Center for Criminal Justice
Honorable Judge CHARLES EHALTON
1301 Filbert Street, Suite 1419 RM. #608
Philadelphia, Pennsylvania 19107

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859335, Petitioner

2-13-20
Date

082620-CHAMBERS_FINAL

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION

COMMONWEALTH : NO. CP-51-CR-0004488-2019

:

:

:

VS.

:

:

:

:

MARK CHAMBERS

:

August 26, 2020

Courtroom 608 – Stout Center for Criminal Justice
Philadelphia, Pennsylvania

B E F O R E: THE HONORABLE CHARLES EHRLICH, J.

MOTION

082620-CHAMBERS_FINAL

APPEARANCES:

GREGORY MAZMANIAN, ESQUIRE

Assistant District Attorney

For the Commonwealth

MARK CHAMBERS, Pro se

LEON DOMINIC GOODMAN, Esquire

Back-up counsel

082620-CHAMBERS_FINAL

INDEX

- - -

COMMONWEALTH'S WITNESSES

WITNESS	DR	CR	RD	RC
OFFICER TIMOTHY BOGAN	10	40		

- - -

COMMONWEALTH'S EXHIBITS

NUMBER	DESCRIPTION
C-1	Search warrant No. 212248
C-2	Search warrant No. 212248

- - -

DEFENSE EXHIBITS

NUMBER	DESCRIPTION
D-1	PR # 3393659
D-2	PR # 3393664
D-3	48, 48A computer generated
D-4	PARS
D-5	75-49
D-6	Forfeiture PARS

082620-CHAMBERS_FINAL

004:01

PROCEEDINGS

02

COURT CRIER: Your Honor, Mark Chambers.

03

THE COURT: Okay. Can you swear the

04

defendant in since he's representing himself.

05

COURT CRIER: Your name, for the record, sir,

06

in a loud, clear voice, please.

07

THE DEFENDANT: Mark Chambers.

08

(MARK CHAMBERS is duly sworn/affirmed at this

09

time.)

10

COURT CRIER: This is No. 2 on your list

11

today.

12

THE COURT: Good afternoon, Mr. Chambers.

13

We're here today for motions that you filed, and I

14

have the amended omnibus motion that you filed, I

15

think it was, August 18th of this year. And I

16

believe the Commonwealth has a copy; is that

17

correct?

18

MR. MAZMANIAN: It is, Your Honor.

19

I apologize to interrupt. Can I do some

20

housekeeping issues very quickly?

21

THE COURT: Sure.

22

MR. MAZMANIAN: I do have an amendment to the

23

complaint. I did let Mr. Goodman know. I did

24

just verbally tell -- I did let Mr. Goodman know

25

in May. I did just verbally tell Mr. Chambers the

082620-CHAMBERS_FINAL

005:01 dates. It is currently listed at 4/16. I'd like
02 it to read 4/16/2019 through April 22, 2019.
03 These dates were mentioned at the preliminary
04 hearing as well as the police paperwork and
05 Mr. Chambers own filings.

06 THE COURT: So right now it says just 4/16;
07 is that correct?

08 MR. MAZMANIAN: That is correct.

09 THE COURT: 4/16/19.

10 MR. MAZMANIAN: Yes. And it should be
11 through April 22, 2019.

12 THE COURT: Okay. Anything you want to say
13 about that, Mr. Chambers?

14 MR. CHAMBERS: There is an objection to it
15 due to the summary of the events in the complaint.
16 They do label -- in the complaint it does say 4/16
17 through 4/22. Criminal complaint first page
18 actually charges me for, I'm assuming, the first
19 transaction, which is supposed to be the day of
20 identification, but the summary does not elaborate
21 on that in there at all. There is no affidavit
22 for me to...

23 THE COURT: I am going to allow the
24 amendment, and, of course, your objection is
25 noted. I also wanted to tell you that whatever

082620-CHAMBERS_FINAL

006:01 rulings I make on your motions there will be a
02 full record, and you can certainly, should you be
03 convicted, appeal to the Superior Court as to any
04 errors that I may have made in my rulings or in
05 testimony taken.

06 All right. That amendment is granted.

07 Now, let's take a look at the motion itself.
08 From reading through the motion, I think you have
09 various issues. I'm summarizing. We can go
10 through so everything is covered, but one is your
11 identification at the preliminary hearing.

12 MR. CHAMBERS: Yes.

13 THE COURT: Another is physical evidence that
14 was taken from your house; a third is evidence
15 that was taken from your car; and a fourth is just
16 your arrest and coming into your house with the
17 claim that the arrest was made without a warrant,
18 without probable cause; and then it goes on to a
19 few other things such as suppressing the
20 fraudulent application for search warrant;
21 suppress the fraudulent affidavit of probable
22 cause.

23 So I think the best way to do this since it's
24 your motion --

25 MR. CHAMBERS: There are other issues as

082620-CHAMBERS_FINAL

007:01 well.

02 THE COURT: What other issues? Those are the
03 first two pages then you go into your case
04 history.

05 MR. CHAMBERS: Yes. On the second page, it's
06 also criminal complaint being signed by Jason
07 Morgan, who is a representative of the District
08 Attorney's Office, which is causing a conflict of
09 interest.

10 THE COURT: Okay.

11 MR. CHAMBERS: It is not signed by an
12 investigation officer.

13 THE COURT: I also notice you have a motion
14 to quash the information --

15 MR. CHAMBERS: Yes.

16 THE COURT: -- as part of your omnibus
17 motion, and the basis is subject matter
18 jurisdiction, lack of evidence, District
19 Attorney's Office propagating a falsehood, and
20 fraud and violation of Pennsylvania Rule of
21 Criminal Procedure 560 and 564.

22 MR. CHAMBERS: 504.

23 THE COURT: 504. Excuse me.

24 I think that covers it then.

25 MR. CHAMBERS: For the most part, yes.

082620-CHAMBERS_FINAL

008:01 THE COURT: With that summary, I am going to
02 turn to the Commonwealth and you can call your
03 first witness as to the motion and we'll proceed
04 from there. If we're not able to finish the
05 motion today, because we can take testimony until
06 about 2:00, 2:30 today, I will continue it to
07 another date when we have absolutely nothing
08 listed so we can complete any testimony that's
09 necessary and hear argument from both you and the
10 district attorney.

11 All right. Mr. Mazmanian, you may call your
12 first witness.

13 MR. MAZMANIAN: Thank you, Your Honor. Just
14 one quick clarification just because this is now
15 combining motion to quash with a motion to
16 suppress; the motion to quash I would just need
17 the notes of testimony.

18 THE COURT: I don't think we're going to get
19 to the motion to quash today. Let's deal with the
20 other issues that are on page one and two. Motion
21 to quash we will need the notes and let's get them
22 and Mr. Chambers should have them and I should
23 review them. And then we'll deal with that, which
24 I think we'll have to deal with on another day.

25 MR. MAZMANIAN: That works, Your Honor. I do

082620-CHAMBERS_FINAL

009:01 have the documents from when that is relevant.

02 THE COURT: Okay.

03 MR. MAZMANIAN: Your Honor, the Commonwealth
04 calls Officer Timothy Bogan.

05 MR. GOODMAN: If I may, Your Honor, request
06 as we proceed that we can be clear on the record
07 in terms of what portion or what part of the
08 motion is being addressed.

09 THE COURT: Okay.

10 MR. GOODMAN: So as the witnesses are being
11 called that can be placed on the record at least
12 for clarity sake for Mr. Chambers what we're
13 dealing with.

14 THE COURT: Thank you. That's a good
15 suggestion.

16 MR. MAZMANIAN: For the record, Your Honor,
17 Officer Bogan was the narcotics eyes officer, the
18 observing officer. He will be able to testify to
19 the ID issue, the evidence taken, the arrest, the
20 search warrant as he is also the affiant, and the
21 statement.

22 There is a second officer that may provide
23 clarity, if necessary.

24 THE COURT: Statement of the defendant?

25 MR. MAZMANIAN: Statement of the defendant,

082620-CHAMBERS_FINAL

010:01 which is in his grounds.

02 THE COURT: So ID, evidence seized, arrest,
03 search warrant, and statement of the defendant is
04 what Officer Bogan will be testifying to.

05 MR. MAZMANIAN: Yes, which should be all of
06 the grounds that we are currently looking at at
07 page one and two.

08 THE COURT: Let's bring him in.

09 COURT CRIER: Sir, could you please state and
10 spell your first and last name?

11 OFFICER BOGAN: Officer Timothy Bogan,
12 B-O-G-A-N, Badge No. 3358, Narcotics.

13 (OFFICER TIMOTHY BOGAN is duly sworn/affirmed
14 at this time.)

15 THE COURT: All right. Before we begin,
16 Mr. Chambers, I say this to all people in my
17 courtroom, you need to wear your mask and it needs
18 to cover your nose as with everybody else while
19 we're in the courtroom.

20 You may proceed, Commonwealth.

21 Good afternoon, Officer Bogan.

22 MR. MAZMANIAN: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MR. MAZMANIAN:

25 Q. Good afternoon, Officer Bogan.

082620-CHAMBERS_FINAL

011:01 A. Good afternoon.

02 Q. Officer Bogan, how long have you been a
03 Philadelphia police officer?

04 A. Over 31 years.

05 Q. And what is your current assignment?

06 A. My current assignment is Philadelphia Police
07 Department Narcotics Unit.

08 Q. And how long have you been a member of the
09 Narcotics Unit?

10 A. I was transferred into the Narcotics Bureau in
11 December of '97, and then I went to the plainclothes
12 unit or the field unit in May of '98. I then worked at
13 various parts of the city in that capacity. In July of
14 I believe it was 2011, I transferred to the
15 Philadelphia Police Department Internal Affairs
16 Division, and the following July I was transferred back
17 into the Narcotics Field Unit where I am currently at
18 today.

19 THE COURT: July of 2012?

20 THE WITNESS: Yes, 2011 to 2012.

21 THE COURT: Got it.

22 BY MR. MAZMANIAN:

23 Q. As part of your responsibilities as a Philadelphia
24 narcotics officer, do you conduct narcotics
25 surveillance, surveillance, specifically, of narcotics

082620-CHAMBERS_FINAL

012:01 sales, and make arrests?

02 A. Yes. Whenever we receive information, we will go
03 out and investigate the complaints or information and
04 try to establish if narcotics are actually being sold.

05 Q. And in your experience, how many times -- how many
06 narcotics observations and investigations have you
07 taken part in?

08 A. I'll say well over 500.

09 Q. And how many arrests have you made?

10 A. I'll stay with the same figure, well over 500.

11 Q. How many search warrants have you applied for?

12 A. I'll say the same thing, over 500.

13 Q. And, Officer Bogan, on April 15th of 2019, did you
14 receive information that directed you to the corner of
15 Anchor and Torresdale Avenue in the city and county of
16 Philadelphia?

17 THE COURT: What date was that?

18 MR. MAZMANIAN: That was April 15, 2019.

19 THE COURT: Thank you.

20 THE WITNESS: Yes.

21 Your Honor, on that date, I received
22 information from Officer Winscomb and Mangold of a
23 male selling narcotics through a cell phone number
24 of 215-609-7495.

25 BY MR. MAZMANIAN:

082620-CHAMBERS_FINAL

013:01 Q. And, Officer Bogan, --

02 MR. CHAMBERS: Who was selling narcotics?

03 THE COURT: A male.

04 MR. CHAMBERS: A male. The arrest report
05 says --

06 THE COURT: You'll have a chance to
07 cross-examine. The officer can testify. Hearsay
08 comes in in a motion, anything that was told to
09 him or anything else that he used as part of his
10 investigation, for purposes of the motion not at
11 the trial. Once he's done testifying, you will
12 have a complete opportunity to cross-examine him
13 on all relevant matters.

14 You may proceed.

15 MR. MAZMANIAN: Thank you, Your Honor.

16 BY MR. MAZMANIAN:

17 Q. Have you ever been to that location before in your
18 capacity as a narcotics officer?

19 A. Yes.

20 Q. What's your experience in that location?

21 A. We've made several arrests in that area.

22 Q. Can you put a ballpark number on the several?

23 A. I'll say approximately 10, 10 or more.

24 Q. How many times have you been out there?

25 A. I'm sorry?

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014:01 Q. For the purpose of being a narcotics officer, how
02 many times have you been to that location?

03 A. In that little pocket there, I'll say I've
04 approximately done maybe four, four or five search
05 warrants, in that area.

06 Q. And so, Officer, one last question: This is in
07 the 15th District, correct?

08 A. Yes.

09 Q. How many times have you done narcotics
10 surveillance in the 15th District?

11 A. Hundreds.

12 Q. So what was the -- did you return to that -- I'm
13 sorry. Strike that.

14 Did you go to that location on April 16, 2019?

15 A. Yes. Yes, I did.

16 Q. When you were out there on April 16th, did you see
17 anyone that you currently see in the courtroom today?

18 A. That's correct; defendant sitting next to counsel.

19 Q. And what occurred on the 16th that brought the
20 defendant into your observation?

21 A. Your Honor, on that date, myself and Officer
22 Deveaux met with a confidential informant. I searched
23 the -- or I checked the confidential informant for any
24 narcotics or paraphernalia or United States currency.
25 On that date, Your Honor, I dialed a cell phone number

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015:01 of 215-609-7495. The phone rang. It was answered by a
02 male's voice. I turned the phone over to the
03 informant. There was a one-sided conversation, Your
04 Honor. I could hear the informant's conversation. The
05 phone call was ended. I then transported the CI to the
06 5400 block of Torresdale Avenue.

07 Q. I am just going to pause you, because I want to
08 get on the record the one-sided conversation. What did
09 that involve that you could hear?

10 A. That was the CI stating that they had \$40 and they
11 wanted to meet up.

12 Q. So once you transported the CI, what happened
13 next?

14 A. The CI got out of my vehicle, Your Honor. At that
15 point, I had backup officers come into the area. I
16 want to say not long after the phone call, Your Honor,
17 a Nissan Quest arrived being operated by the defendant
18 here.

19 Q. Did you actively see the defendant driving the
20 vehicle?

21 A. Yes.

22 Q. How far away from him were you? Just best
23 estimate.

24 A. Best guess I can remember approximately 20 feet.

25 Q. And what were the conditions like? Was it light

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016:01 out, dark out?

02 A. It was a sunny day.

03 Q. Okay. So once you saw the defendant pull up, what
04 happened next?

05 A. The CI entered the vehicle on the front passenger
06 door. CI stayed inside approximately less than 30
07 seconds. The CI exited the vehicle. The vehicle
08 pulled off. At that point, I had my backup officers
09 follow this vehicle.

10 The CI got back into my vehicle. The CI turned
11 over to me from their hand two clear packets containing
12 crack cocaine. At that point, I checked the informant
13 for any additional narcotics or money or paraphernalia
14 once again. There was nothing on the CI's person.

15 Your Honor, the backup officers followed this
16 vehicle.

17 Q. Who are your backup officers that day?

18 A. On this day we had Officer Galaska, Officer
19 Sumpter, Officer Brown, Lieutenant Muldoon.

20 Q. And who followed the Quest?

21 A. I believe -- I really can't say who actually got
22 behind the vehicle, because it's not like we get right
23 behind the vehicle when we're following it. We give it
24 a leeway.

25 Q. But you know it was one of your backup officers?

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017:01 A. They're communicating to me over police radio of
02 the direction and the area where it's going.

03 Q. And what happened after they followed it?

04 A. At that point, Your Honor, the vehicle went down I
05 believe it was Hegerman Street and stopped at the
06 corner of Anchor and Hegerman Street. At that point,
07 Your Honor, the officers continued trying to pass this
08 vehicle to turn, come back around and establish the
09 surveillance on the vehicle. When the officers
10 returned, which was maybe two to three minutes
11 depending on the traffic, the vehicle was unoccupied.

12 At that point, Officer Galaska conducted a DMV
13 check, and he advised me that the vehicle came back
14 registered to a Mark Chamberlain at 1235 South 58th
15 Street.

16 Your Honor, at that point, we went inside. I
17 conducted a NIK test G on one of the packets of crack
18 cocaine, and it did test positive for presence of
19 cocaine. I am certified to conduct these tests. I
20 then placed those two packets on Property Receipt
21 No. 3393659.

22 THE COURT: 339?

23 THE WITNESS: 3659.

24 BY MR. MAZMANIAN:

25 Q. Did that conclude your investigation for the 16th,

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018:01 **Officer?**

02 A. That's correct.

03 **Q. And then on the 17th, did you do anything to**
04 **further your investigation in this matter?**

05 A. Your Honor, on that date approximately 5:30 a.m.,
06 myself and Officer Deveau went out to the area of 1235
07 South 58th Street to see if we could locate the Nissan
08 Quest. We went out to that area. We did not observe
09 the Nissan Quest out in the area of 58th Street in the
10 1200 block.

11 **Q. And that's the address that the registration came**
12 **back to; is that correct?**

13 A. That's correct.

14 **Q. Okay. Did you do anything else on the 17th?**

15 A. No.

16 **Q. Did you go back to the area of Torresdale and**
17 **Anchor on the 18th?**

18 A. That's correct.

19 **Q. And what occurred on the 18th?**

20 A. Your Honor, on that date, myself and Officer
21 Deveau went out there to the area of 2100 Anchor
22 Street. We had met with the confidential informant. I
23 checked the confidential informant for contraband and
24 U.S. currency and paraphernalia with negative results.

25 At that point, Your Honor, we proceeded to go in

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019:01 the area of Anchor, Sanger, and Hegerman Street looking
02 for the Nissan Quest. We did not see the vehicle out
03 there that day. At that point, I dialed that phone
04 number once again of the 215-609-7495. It was answered
05 by a male's voice. I turned the phone over to the
06 informant. Once again, there was a one-sided
07 conversation where the CI stated that they had \$40 and
08 they were in the area of 5400 Torresdale. The phone
09 call was ended.

10 I had backup officers come into the area, Your
11 Honor. I let the CI out of my vehicle along with
12 Officer Deveau. The CI did have the \$40 prerecorded
13 buy money. While I was conducting surveillance on the
14 informant, I observed the defendant come here on the
15 2100 block of East Sanger Street off of, I want to say,
16 Hegerman. The CI was behind our vehicle. Officer
17 Deveau was several houses away on foot. The
18 defendant, as he was walking westbound on Sanger, made
19 a motion like this.

20 Q. And, Your Honor, just for the record, taking his
21 right arm, extending it, and making a waving motion
22 towards himself.

23 A. At that point, the defendant continued walking
24 westbound. The CI walked eastbound. Approximately two
25 and a half car lengths away from me is where they met.

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020:01 Officer Deveau was still on foot. At that point, I
02 observed the CI hand the defendant the prerecorded buy
03 money, and the defendant had a hand-to-hand exchange
04 with the informant.

05 At this point, he walked, the defendant walked
06 eastbound, and at that point the CI got back into my
07 vehicle and turned over to me from their hand two loose
08 chunks of crack cocaine. I checked the informant.
09 There was nothing else on their person.

10 I was then in phone contact with Officer Deveau,
11 and Officer Deveau relayed to me that the male was
12 walking northbound and walking to the location of
13 Anchor Street. At that point, Your Honor, I drove down
14 Anchor Street. I saw the defendant come onto the
15 block. Officer Deveau was about maybe five to six
16 seconds behind him. I observed this male walk up the
17 steps of a property, use keys, and entered a property.

18 Your Honor, that address was -- I believe that
19 address was 2139. I then had Officer Galaska --

20 THE COURT: Of what block?

21 THE WITNESS: Anchor. Sorry. 2139 Anchor.

22 THE COURT: Thank you.

23 THE WITNESS: At that point, I had Officer
24 Galaska and Alazier drive down and they did
25 confirm the address to be 2139 Anchor. At that

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021:01 point, Your Honor, I return to headquarters. I
02 conducted an NIK test G on the narcotics. It was
03 positive for cocaine base. I then placed those
04 two loose chunks on Property Receipt No. 3393664.
05 BY MR. MAZMANIAN:
06 Q. And did that terminate your investigation for that
07 day, Officer?
08 A. On that day, yes.
09 Q. And I have a question. I just want to circle back
10 to when you saw the defendant first come on the block.
11 About what was the range of the time that you were
12 observing him?
13 A. He was actually walking up towards my vehicle.
14 Q. And could you see his face at that time?
15 A. Yes.
16 Q. And about how far, if you can give a range?
17 A. I believe it was about two, two to three car
18 lengths away.
19 Q. Okay. And the lighting conditions at that time?
20 A. Was daylight.
21 Q. You said he walked back to 2139 Anchor. Did you
22 lose sight of him at any point when he was walking
23 there?
24 A. I did lose sight of him, yes.
25 Q. And then you circled in your car and caught him,

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022:01 correct?

02 A. Yes. When Officer Deveau stated to me that he
03 was walking northbound and he was still behind him and
04 then he went westbound on Anchor Street, Officer
05 Deveau was about five seconds behind him and I was
06 coming down Anchor Street.

07 Q. And when you did catch up in your vehicle, could
08 you still see it was the same person?

09 A. Yes.

10 Q. And did you see it was the same person that went
11 into 2139 Anchor?

12 A. Yes.

13 Q. Moving onto the 22nd, April 22nd, was that part of
14 your -- was that date part of your investigation?

15 A. That's correct.

16 Q. And on April 22nd, before going out to that area,
17 did you apply for search warrant 212248?

18 A. Yes.

19 MR. MAZMANIAN: And, Your Honor, may I
20 approach?

21 THE COURT: You may.

22 THE WITNESS: Excuse me, Your Honor. Can I
23 get a sip of water?

24 THE COURT: Yes. We can get you some water.

25 THE WITNESS: I got it here in my bag. I

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023:01 just wanted to check.

02 BY MR. MAZMANIAN:

03 Q. Officer, what's your procedure for applying for
04 getting a search warrant?

05 A. Your Honor, I conduct a property check on the
06 location for a registered owner. I then type up the
07 probable cause affidavit, which is the facts of this
08 investigation which started on April 15th. I then have
09 my sergeant review it. Once it's reviewed by my
10 sergeant, I then send it down to the District
11 Attorney's Office charging unit to get approval from
12 the District Attorney's Office.

13 Once that's approved by the District Attorney's
14 Office, I will bring it down to 1301 Filbert Street to
15 either a judge or a magistrate to give me authorization
16 to execute that search warrant on the property of 2139
17 Anchor.

18 Q. And did you run the ownership information for this
19 address?

20 A. Yes.

21 Q. And did it come back to defendant?

22 A. I don't believe it did.

23 MR. MAZMANIAN: And, Your Honor, may I
24 approach with what I've marked as C-1.

25 THE COURT: Sure.

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024:01 BY MR. MAZMANIAN:

02 Q. I'm first showing you this. What is this document
03 that I am holding or giving to you?

04 A. This is a photocopy of search warrant No. 212248.
05 This is what I sent down to the District Attorney's
06 Office and this is what they e-mailed me back.

07 Q. Okay. And that is prior to being signed by a
08 magistrate; is that correct?

09 A. Yes. This was submitted on the 21st of April. It
10 was approved by ADA Kate Lewis on 4/21/19 at 12:32 p.m.

11 Q. That's a fair and accurate copy of what you
12 received; is that correct?

13 A. Yes.

14 MR. MAZMANIAN: And, Your Honor, at this
15 point, I will move that into evidence.

16 BY MR. MAZMANIAN:

17 Q. And I do see it says in big letters, "approved ADA
18 Kate Lewis." Who wrote that on there?

19 A. The district attorney who approves it does that.

20 THE COURT: This was on April 21st?

21 MR. MAZMANIAN: Officer Bogan, what date was
22 this sent to the DA's office?

23 THE WITNESS: April 21st.

24 MR. MAZMANIAN: And, Your Honor, may I
25 approach with what I've marked as C-2?

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025:01 THE COURT: Yes.

02 BY MR. MAZMANIAN:

03 Q. I will take C-1 back.

04 Officer Bogan, what did I just hand you?

05 A. This is a photocopy of the search warrant

06 No. 212248.

07 Q. And is that a fair and accurate copy of your
08 search warrant?

09 A. Yes.

10 Q. After page one there is a bunch of other pages.
11 What is that specifically?

12 A. That is the affidavit of probable cause.

13 Q. And is that what you typed up?

14 A. Yes.

15 Q. And, Officer, going back to page one of the search
16 warrant, now, that is after it was signed by a
17 magistrate, correct?

18 A. Yes, it is.

19 Q. Which parts of this search warrant did you fill
20 out?

21 A. I actually typed everything up on the upper half
22 of the search warrant as well as my name. I signed my
23 name on the signature and affiant. Officer Deveau,
24 who is my partner, she filled out the property seized
25 in this property.

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026:01 Q. And did you see Officer Deveaux fill that out?

02 A. Yes.

03 Q. And when is that? When was that specifically
04 filled out?

05 A. She actually filled it out at the dining room
06 table of this property.

07 Q. So after the warrant was served?

08 A. Yes.

09 Q. Now, Officer, directing your attention to slightly
10 below where it says property seized, the badge numbers
11 and the other officers, is that Officer Deveaux as
12 well?

13 A. Yes, it is.

14 Q. Filled out at the same time?

15 A. Yes.

16 THE COURT: Do you have an extra copy of that
17 by any chance?

18 MR. MAZMANIAN: Yes, Judge. I apologize.

19 THE COURT: And I assume, Mr. Chambers, you
20 have a copy of it, right?

21 MR. CHAMBERS: Yes.

22 THE COURT: Okay.

23 BY MR. MAZMANIAN:

24 Q. And the signature line under that, signature of
25 witness to inventory, that was signed by who?

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027:01 A. That was signed by my sergeant, Pat Love.

02 Q. And that was done at the same time that it was
03 filled in?

04 A. Yes.

05 Q. Now, underneath that in the bottom left-hand
06 corner, who filled out that portion?

07 A. That is filled out by the magistrate down in the
08 basement of the CJC.

09 Q. And did you physically take this warrant to the
10 basement of the CJC?

11 A. Yes.

12 Q. Did you present this warrant to that magistrate?

13 A. Yes.

14 Q. Did he sign it in your presence?

15 A. Yes, they did sign it.

16 THE COURT: Just for the record, that would
17 be -- the official title is Arraignment Court
18 Magistrate in Philadelphia formally known as Bail
19 Commissioners who review and approve warrants 24
20 hours a day.

21 MR. MAZMANIAN: Thank you, Your Honor.

22 MR. CHAMBERS: For the record, can he state
23 the name?

24 MR. MAZMANIAN: I can't read the signature.
25 Can you, Judge?

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028:01 THE COURT: I can -- it's first initial is K
02 and looks like maybe a D, but I can't read the
03 full name.
04 BY MR. MAZMANIAN:
05 Q. But this was a magistrate that you presented it to
06 in the basement of the CJC, correct?
07 A. Yes.
08 Q. Now, Officer Bogan, in that space there is a
09 deadline for this warrant to be served. What is that?
10 A. It can be served no later than 9:49 a.m. on April
11 24th of 2019.
12 Q. And when was this warrant granted?
13 It's right underneath that.
14 A. It was approved and signed off on April 22, 2019,
15 at 9:49 a.m.
16 MR. MAZMANIAN: Your Honor, at this point I
17 will move C-2 into evidence. You already have a
18 copy, but I'll publish to Your Honor.
19 THE COURT: All right. Any objection?
20 MR. CHAMBERS: The objection is to the
21 authenticity of the warrant.
22 THE COURT: Okay. Objection noted.
23 Overruled. It can be admitted.
24 Go ahead.
25 BY MR. MAZMANIAN:

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029:01 Q. So, Officer Bogan, after you had this search
02 warrant approved, what did you do next?

03 A. At that point, Your Honor, when I got in from
04 being down here at the courthouse, we gathered, my
05 backup officers as well as my supervisors, and we
06 formulate a plan to go out and execute the search
07 warrant at 2139 Anchor.

08 Q. And about what time did you get there giving a
09 date range for security of the CI -- sorry, not date
10 range, a time range.

11 A. I will say we got out there between 3:30 and 4:30.

12 Q. And so what occurred once you arrived on that
13 location?

14 A. Once we arrived on that location, Your Honor, I
15 spoke to Officer Deveau, observed the Nissan Quest on
16 Hegerman Street at Anchor. At that point, we left that
17 location. I had Officer Galaska and Alazier set up
18 the -- establish a surveillance of the front of the
19 property of 2139 Anchor Street. Your Honor, once that
20 surveillance was established, they notified me over
21 police radio.

22 At that point, myself and Officer Deveau had a
23 confidential informant. At that point, I checked the
24 confidential informant, once again, for any United
25 States currency, paraphernalia, illegal contraband with

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030:01 negative results. I then, once again, dialed that
02 phone number of 215-609-7495. It rang. It was
03 answered by a male's voice. I turned the phone over to
04 the informant. Once again, it was a one-sided
05 conversation, and the phone call was ended.

06 THE COURT: What was the conversation?

07 THE WITNESS: Conversation was I got \$40 and
08 I'm over at, like, Sanger and Torresdale.

09 BY MR. MAZMANIAN:

10 Q. What happened next?

11 A. At that point, Your Honor, several minutes after
12 the call Officer Galaska notified me that the defendant
13 had exited the property of 2139 Anchor Street and was
14 walking in the direction of Torresdale Avenue. Less
15 than, I want to say, three to five minutes later, Your
16 Honor, the defendant appeared. Walking through the
17 driveways he came to Sanger Street. The CI walked over
18 to the defendant on Sanger Street. The defendant
19 accepted the prerecorded buy money and had a
20 hand-to-hand exchange with the informant. I'm
21 approximately 20 feet away looking at the transaction,
22 Your Honor, as well as Officer Deveau was.

23 When the transaction was over, the defendant
24 walked northbound through the driveway, and the CI got
25 back in my vehicle and turned over to me two loose

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031:01 chunks of crack cocaine.

02 THE COURT: Can you just explain to me when
03 you talk about hand-to-hand transaction? Can you
04 describe and show us what you're talking about?

05 THE WITNESS: Your Honor, I kind of liken it
06 to when you give children Halloween candy when
07 they come knocking on your door. It's like a
08 pinching motion. You put the candy in their
09 bucket. The only difference is they're putting it
10 into the CI's hand.

11 THE COURT: How many times have you seen such
12 a type of exchange in your work?

13 THE WITNESS: Your Honor, I want to say I
14 personally have made numerous purchases like that,
15 I want to say, well over a total of 500 times
16 whether I observed it or made purchases myself.

17 THE COURT: And were narcotics found --

18 THE WITNESS: Yes.

19 THE COURT: -- as a result of observing those
20 actions?

21 THE WITNESS: Yes, sir.

22 THE COURT: Go ahead.

23 BY MR. MAZMANIAN:

24 Q. When you say you made purchases, you were
25 purchasing narcotics in an undercover capacity when you

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032:01 were talking about that?

02 A. Yes, undercover on the job, not off duty.

03 Q. And, Officer, you saw this hand-to-hand that you
04 just described?

05 A. Correct.

06 Q. What happened after that?

07 I'm sorry. You did say the CI comes to you and
08 turns over two loose chunks of crack cocaine?

09 A. Yes.

10 Q. Let me ask you just to skip ahead, because we're
11 going to talk about the warrant next. But were those
12 two loose chunks placed on a property receipt?

13 A. Yes. I don't have the property receipt because
14 the drugs that were purchased were placed on the drug
15 property receipt that was recovered from the property.

16 Q. Thank you.

17 Were they eventually NIK tested?

18 A. Yes.

19 Q. Were they crack cocaine?

20 A. Yes.

21 Q. Okay. So after the CI turned over the chunks to
22 you, what occurred next?

23 A. At that point, Your Honor, I continued northbound
24 on Torresdale where I saw the defendant exit the
25 driveway on Cheltenham Avenue, and then the defendant

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033:01 walked eastbound on Cheltenham and then southbound on
02 Hegerman. I saw him get to Anchor Street and I advised
03 Officer Galaska and Alazier that he was coming down
04 Hegerman Street and going west on Anchor.

05 At that point, Officer Galaska informed me that
06 the defendant had just entered the property of 2139
07 Anchor Street.

08 Q. Once he enters, how long before you are set up to
09 execute the search warrant?

10 A. We were already set up so within three to five
11 minutes.

12 Q. And where did you go during the search warrant?

13 A. The plan was for the main part of the team to go
14 through the front door. Myself and Officer Deveau
15 took the rear of the property.

16 Q. Who was the first person in the front door? Who
17 was knocking for this warrant?

18 A. It was Officer Galaska.

19 Q. And what happened once now you're in the back and
20 Officer Galaska is at the front door?

21 A. After a couple minutes, they told me on radio that
22 it's secured, come around. So when I got around, the
23 defendant was in the kitchen and Officer Galaska was
24 recovering items off of his person.

25 Q. So you saw Officer Galaska recovering the items?

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034:01 A. Yes.

02 Q. And where in the house was this occurring?

03 A. In the kitchen.

04 Q. And what items did Officer Galaska recover?

05 A. From the defendant's person was one cell phone --

06 Your Honor, I did confirm that cell phone was the same

07 cell phone that I had dialed on the 16th, the 18th, and

08 the 22nd -- \$420 United States currency plus the

09 prerecorded buy money which was just used.

10 Q. So it was 420 plus the 40?

11 A. Yes. From his -- he had, like, a hooded

12 sweatshirt on, Your Honor, and in the hooded sweatshirt

13 pocket Officer Galaska recovered a revolver, a handgun,

14 a .38-caliber handgun out of that pocket that was

15 loaded with six rounds. From the defendant's wallet

16 was one packet of heroin, 26 Suboxone strips, seven

17 clear packets of crack cocaine. That was from his

18 person.

19 The defendant was very cooperative, Your Honor.

20 He did make a statement while we were there with

21 Officer Love and Officer -- I'm sorry -- Sergeant Love

22 and Officer Galaska that he had the gun for protection

23 because of recent shootings up at Torresdale and

24 Benner. There was a recent homicide at, I believe it

25 was, Anchor and Torresdale. So he said he just --

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035:01 MR. CHAMBERS: Objection to hearsay.

02 THE COURT: It's a motion so hearsay comes in
03 for a motion, and also it's a statement by the
04 defendant, which is a party-opponent statement, so
05 the DA can bring it out both at the motion and at
06 trial.

07 Go ahead.

08 BY MR. MAZMANIAN:

09 Q. Officer Bogan, did you physically hear the
10 defendant make this statement?

11 A. I heard him say that he had just got the gun for
12 protection.

13 Q. Where was he when he gave that?

14 A. He was in the kitchen.

15 Q. He was in the kitchen.

16 And had any officer asked him a question? Was
17 that statement in response to any question?

18 A. No.

19 Q. And what questions was the defendant asked while
20 in the house?

21 A. The only questions that we asked the defendant
22 were his biographical information, his date of birth,
23 his address, his Social Security number.

24 Q. And the defendant freely answered those?

25 A. Yes.

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036:01 Q. At no point was he asked a question about the
02 firearm?

03 A. No.

04 Q. After the items are recovered from his person --
05 I'm sorry. You said you confirmed the cell phone. How
06 did you confirm that cell phone?

07 A. I dialed the number personally.

08 Q. And it rang?

09 A. It rang, yes.

10 Q. So after the recoveries are made from his person,
11 what happened next?

12 A. Defendant also stated that there was a shotgun in
13 the rafters of the basement. At that point, myself and
14 Officer Galaska went to the basement, and from the
15 rafters in the basement was a sawed-off shotgun which
16 was not loaded.

17 Q. Which was not loaded?

18 A. Was not loaded.

19 Q. Was anything else recovered from the house?

20 A. Yes. There was some mail recovered I believe in
21 the living room by Officer Alazier in the defendant's
22 name. From the basement Officer Roller recovered a
23 clear bag that contained four pills; two blue, two
24 orange, also, one scale, and a packet of new and unused
25 clear packets.

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037:01 Q. And, Officer, what did you do next?

02 A. At that point, Your Honor, I made a phone call to
03 the gun violence task force detectives up in Northeast
04 Detectives, advised them that we had just executed a
05 search warrant on a property of 2139 Anchor and we
06 recovered handguns. At that point, the gun violence
07 task force detectives stated they would take possession
08 of the handgun and conduct further investigation on the
09 handgun and shotgun.

10 Q. Were those guns turned over to those detectives?

11 A. They arrived on the scene and they were turned
12 over to the detectives.

13 Q. And they are the ones that property receipted
14 those firearms, correct?

15 A. That's correct.

16 Q. Now, Officer Bogan, after the guns were turned
17 over, did you do anything else involving this
18 investigation?

19 A. We went back. I conducted an NIK test on the
20 purchased narcotics, the recovered narcotics, and the
21 test was positive for presence of cocaine. All the
22 items confiscated were submitted to evidence and the
23 chem lab for further processing. There was also, I
24 believe, four or five people in the property, Your
25 Honor, including children. I don't remember their

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038:01 ages, but I do know it's in the 75-49.

02 Q. Were there any adults in the property?

03 A. Yes, there was one adult female.

04 Q. Did you ever see the defendant's car again?

05 A. Myself and Officer Galaska went down to the
06 vehicle.

07 Q. Where was the vehicle?

08 A. It was on Hegerman Street parked at Anchor.

09 Q. About how far from the house is that?

10 A. Five, six houses maybe.

11 Q. It's on a street parking spot, not in the
12 driveway?

13 A. It's parked legally on the street on Hegerman.

14 Q. And once you went to that car, what happened?

15 A. I found a bottle of codeine cough syrup in the
16 vehicle, and I know there was something else. I just
17 can't remember what else was recovered from the
18 vehicle.

19 MR. MAZMANIAN: Court's brief indulgence,
20 Your Honor.

21 (Pause.)

22 BY MR. MAZMANIAN:

23 Q. The items that were recovered from the vehicle
24 they were placed on a property receipt?

25 A. Yes.

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039:01 Q. And if you saw your investigation report, would
02 that refresh your recollection as to what was
03 recovered?

04 A. Yes.

05 MR. MAZMANIAN: Your Honor, may I approach?

06 THE COURT: Yes.

07 MR. MAZMANIAN: I'm approaching with the
08 75-49 that defense has.

09 BY MR. MAZMANIAN:

10 Q. I am going to direct your attention to the last
11 line. I want you to read it, and you can hand it back
12 to me.

13 A. From the Nissan --

14 Q. Not out loud. In your head.

15 Does that refresh your recollection?

16 A. Yes.

17 Q. What was recovered?

18 A. It was one amber pill bottle -- one amber bottle
19 containing approximately 10 ounces of codeine cough
20 syrup.

21 Q. And then, Officer Bogan, was the defendant placed
22 under arrest and transported?

23 A. He was already under arrest. Officer Deveau did
24 the 229, which is the biographical information, and the
25 defendant was transported to Northeast Police Division

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040:01 for processing.

02 Q. Did you positively identify the defendant once the
03 search warrant was served?

04 A. Yes.

05 Q. And it was the same person you had seen on the
06 other days that you had conducted the observations?

07 A. Yes.

08 MR. MAZMANIAN: Judge, I have no further
09 questions for this witness.

10 THE COURT: You may cross-examine the
11 witness, Mr. Chambers.

12 MR. CHAMBERS: All right.

13 CROSS-EXAMINATION

14 BY MR. CHAMBERS:

15 Q. Officer Bogan, how you doing?

16 A. Good, sir. How are you?

17 Q. I'm all right.

18 Just to elaborate on what you were saying, April
19 16, 2019, you said you made a phone call to the phone
20 number 215-609-7495, correct?

21 A. Yes.

22 Q. Do you have any paperwork in reference to that
23 phone number to prove that that number was dialed or
24 any other number?

25 A. No, I do not.

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041:01 Q. No, you do not.

02 So in reference to the phone number, the only
03 thing that we have to go on is the arrest report that
04 was written after the arrest?

05 A. Yes.

06 Q. After every transaction you said you put it on a
07 property receipt and put it in a lab that day, took it
08 to the lab that day?

09 A. It was dropped in a drug safe at our headquarters,
10 and I believe it's transported down the next day. I
11 don't know the whole process of the dropping the drugs
12 in the safe.

13 Q. But you filled out the property receipt?

14 A. Yes.

15 Q. Can you explain why the property receipt says it
16 was confined in the 16th District?

17 THE COURT: Can you say what you're referring
18 to, property receipt number, what date?

19 MR. CHAMBERS: Referring to Property Receipt
20 3393659, which is dated 4/16/2019.

21 BY MR. CHAMBERS:

22 Q. It says that this was a transaction that was
23 confined in the 16th District.

24 A. I don't -- can I see it?

25 Q. But this was the 15th District, correct?

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042:01 THE COURT: You can show him.
02 Are you going to mark this as part of your
03 exhibits?
04 MR. CHAMBERS: Yes.
05 THE COURT: Okay. So that's D-1.
06 MR. MAZMANIAN: I am approaching to hand D-1
07 to Officer Bogan.
08 MR. GOODMAN: I'll put it up.
09 THE COURT: All right. While you get it up,
10 the officer will look at it the old-fashioned way.
11 You may ask a question.
12 BY MR. CHAMBERS:
13 Q. What is the district control number for that
14 transaction?
15 A. It's right up here in the right-hand corner,
16 19-15-35886.
17 Q. So what would be the 33886 that's crossed out?
18 A. I guess when Officer Deveau was typing this she
19 typed in the wrong numbers.
20 Q. Is there any indication on this property receipt
21 that any of this evidence was taken from me, the
22 defendant?
23 A. No.
24 Q. Why?
25 A. Because it was an ongoing investigation.

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043:01 Q. But you did ID me on that day you said, correct?

02 A. Yes.

03 Q. Do you have any documentation to back up that
04 story?

05 A. What? That it was you that sold the drugs to the
06 CI that day?

07 Q. Yes.

08 A. Just from what myself and Officer Deveau saw.

09 Q. So, once again, it's only the report after the
10 arrest?

11 A. Actually, at the end of the purchase, I go in and
12 start typing. So it's actually maybe an hour after the
13 purchase.

14 THE COURT: Are you making an ongoing report?
15 Is that what --

16 THE WITNESS: Yes, Your Honor.

17 THE COURT: Each day you summarize what you
18 did?

19 THE WITNESS: Yes.

20 BY MR. CHAMBERS:

21 Q. According to your police directives, should there
22 not be a 75-48A for every transaction?

23 A. No.

24 Q. No?

25 A. No.

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044:01 MR. CHAMBERS: All right. May I read from
02 the directives?
03 MR. MAZMANIAN: I object to the relevance at
04 this time.
05 MR. CHAMBERS: It's relevant.
06 THE COURT: Well, let me -- what are you
07 referring to, Mr. Chambers?
08 MR. CHAMBERS: Philadelphia Police Directive
09 1211, Appendage B, in reference to 75-48s, which
10 reads in Section F in the section, "however, if an
11 arrest is made as a result of an investigation, an
12 officer will be required to complete a 75-48 for
13 an arrest, a 75-48A for the underlying
14 vehicle/pedestrian investigation. Two sets of DC
15 numbers will be obtained, one set for the arrest,
16 one for the vehicle/pedestrian investigation. In
17 order to track the pedestrian or vehicle
18 investigation involving the arrest, the 75-48 and
19 75-48A must cross reference by DC numbers."
20 BY MR. CHAMBERS:
21 Q. So I ask you when was the DC number that we are
22 going by, which is 19-15-35886, when was that number
23 acquired?
24 A. It was acquired right after the purchase of the
25 confidential informant.

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045:01 Q. On the 16th?

02 A. Yes.

03 Q. So you used the same DC number throughout the
04 whole investigation?

05 A. Yes.

06 Q. But that's not what the directives instruct you to
07 do, is it?

08 A. This is an ongoing investigation. It stays with
09 the same DC number.

10 THE COURT: I think the directive, if I heard
11 you correctly, Mr. Chambers, says when you make an
12 arrest. No arrest was made until several days
13 later.

14 MR. CHAMBERS: The arrest has a separate DC
15 number. Every criminal act when it's being
16 investigated has a 75-48A, which is supposed to
17 get its own DC number.

18 THE COURT: I'll take a look at the directive
19 and see what you say, but go ahead. And just so
20 you know, directives do not control the law. The
21 law is controlled otherwise. But go ahead. Keep
22 going.

23 MR. CHAMBERS: I understand that.

24 BY MR. CHAMBERS:

25 Q. So according to the evidence, there is no

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046:01 indication of identification being made on the 16th?

02 A. That's correct.

03 Q. Even in your report you state that the vehicle was
04 being operated by a black male?

05 A. That's correct.

06 Q. With no identification?

07 A. We didn't know your name on the 16th.

08 Q. But you physically said you saw me on the 16th?

09 A. I see a lot of people. I don't know their names.

10 Q. Because you had no prior run-in with me to know
11 that that was me driving the vehicle, correct?

12 A. I know it was you driving the vehicle. I did not
13 know your name.

14 Q. But you ran the plates?

15 A. Yes, I did.

16 Q. So why is there no indication of that name being
17 incorporated into the report?

18 A. I believe it is.

19 Q. No. It's only on the reference to the
20 registration of the vehicle, like who owns the vehicle,
21 where it's registered to as far as the address.

22 A. Well, there is a record of it then.

23 Q. My name is not incorporated into the target or the
24 black male target or the black male target wearing all
25 black with his hood up as you identified the suspect?

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047:01 A. I did not know if you were Mark Chamberlain or
02 not.

03 Q. But you see me on more than one occasion?

04 MR. MAZMANIAN: Judge, I will object to asked
05 and answered at this point.

06 THE COURT: He can ask this question, and
07 then we'll move on.

08 BY MR. CHAMBERS:

09 Q. The question is: When they did the DMV check, is
10 it not accurate to say that a name, a picture, as well
11 as an address would show up on the computer?

12 A. When Officer Galaska ran it, we just had the name.
13 We did not have a picture. We had the name and address
14 of the vehicle where it was registered.

15 Q. So it wasn't a DMV check?

16 A. It was a DMV check, yes.

17 Q. DMV stands for Bureau of Motor Vehicles?

18 A. Yes.

19 Q. You also don't have any verification that a DMV
20 check was done that day. Do you have anything to
21 verify?

22 A. I do not.

23 Q. With the information that you received from the
24 DMV check, could you have not done a license check with
25 that name?

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048:01 A. I don't know if I did or not.

02 Q. So, once again, you have no proof of
03 identification?

04 MR. MAZMANIAN: Objection.

05 THE COURT: He didn't do it. That's the
06 answer. He had other information. Proceed
07 forward, please.

08 BY MR. CHAMBERS:

09 Q. Next transaction, April 18, 2019, you prepared the
10 property receipt for that?

11 A. It was prepared, yes.

12 Q. Did you prepare it?

13 A. I probably did not.

14 THE COURT: Which property receipt number,
15 Mr. Chambers?

16 MR. CHAMBERS: 3393664.

17 THE COURT: You didn't prepare that?

18 THE WITNESS: More than likely I didn't. My
19 partner probably did.

20 MR. MAZMANIAN: If it's being marked, I can
21 bring it up to the officer, Judge.

22 THE COURT: Are you going to mark that?

23 MR. CHAMBERS: Yes, it's Exhibit 2.

24 THE COURT: That will be Defense Exhibit 2,
25 if you can show it to the officer.

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049:01 BY MR. CHAMBERS:

02 Q. If I'm not mistaken, the signatures are exactly
03 the same as far as the preparation of Property Receipt
04 3393664 as it is 3393659, and you said that you
05 prepared the first one but you did not prepare the
06 second one?

07 A. No. Officer Deveau typed both property receipts.

08 Q. She did both property receipts?

09 A. She did both property receipts.

10 Q. So you're taking back that you did it the first
11 time?

12 A. As I stated, I said she made a mistake, and that's
13 why she crossed out that DC number.

14 Q. No. I asked did you prepare --

15 MR. MAZMANIAN: Objection.

16 THE COURT: Let's not argue with the witness.

17 You can ask a question.

18 BY MR. CHAMBERS:

19 Q. So this is the date in question where you said
20 that you followed the suspect to 2139 Anchor Street,
21 correct?

22 A. Yes.

23 Q. There is no indication of that either?

24 A. No. It's a confidential investigation.

25 Q. That's the part that doesn't make sense.

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050:01 MR. MAZMANIAN: Objection.

02 BY MR. CHAMBERS:

03 Q. Confidential investigation to who? Me?

04 A. I don't understand the question.

05 Q. Am I the confidential investigation?

06 A. This was a confidential investigation, and the
07 reason it's marked like that is so people who are
08 outside the Narcotics Bureau, when they get this
09 document, they don't know who we are looking at.

10 Q. But is it not accurate for the person who it was
11 taken from or the owner of the property to be placed on
12 a property receipt?

13 THE COURT: I think what the officer is
14 saying, Mr. Chambers, just to be able to move it
15 along, is that when they do a confidential
16 investigation they don't do that. Because it's an
17 ongoing confidential investigation they don't want
18 anybody else who might see the property receipt to
19 know who the target is or where the property was
20 taken from.

21 MR. CHAMBERS: I understand what you're
22 saying, but the sensibility in that for only
23 officers to see wouldn't make sense.

24 THE COURT: Well, that can be your argument,
25 and I will hear your argument. I am just trying

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051:01 to --

02 BY MR. CHAMBERS:

03 Q. Again, there is no indication of identification?

04 A. That's correct.

05 Q. There is also no district control number; there is

06 no request for a lab; there is no indication of

07 anything in relevance to this case?

08 A. That's correct. I don't see the DC number or the

09 lab requested.

10 Q. So you don't have a separate DC number for that

11 control either, correct?

12 A. That's correct.

13 Q. To get a district control number can you explain

14 how that works?

15 MR. MAZMANIAN: Objection, Your Honor.

16 THE COURT: No. I'm going to allow it,

17 because I think it's important for the record that

18 we clarify it just to explain what DC numbers are

19 and how they're given out and everything so the

20 record will be clear.

21 MR. CHAMBERS: Right.

22 THE WITNESS: After we made the purchase from

23 you on the 16th, we contacted police radio and I

24 asked for the northeast radio band to get me a set

25 of numbers for investigation of object for the

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052:01 confines of 15th District.

02 BY MR. CHAMBERS:

03 Q. So isn't it proper procedure to fill out a 75-48

04 for that district to have a written file for all

05 events, incidences, offenses, arrests, et cetera?

06 A. Under that DC number, yes.

07 Q. 75-48, to have a written record of it is the

08 policy, correct?

09 A. Yes.

10 Q. But you didn't do that?

11 A. Yes.

12 Q. You did?

13 A. I did.

14 Q. Where is it?

15 A. Should be in discovery.

16 Q. It's not. There is no 75-48, and there is no

17 75-48A.

18 A. 75-48A? I'm sorry. We don't do 75-48As. A 75-48

19 would have been generated, would have been sent over

20 the computer to the 15th District.

21 Q. And that documentation is where?

22 A. Should be in the 15th District.

23 Q. Personally typed version?

24 A. Yes.

25 Q. Was written by who?

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053:01 A. Myself.

02 Q. But this is not the proper procedure. The proper
03 procedure would be the paper slip, correct?

04 A. What happens is when we generate the DC number,
05 Your Honor, and we send it over the computer to the
06 15th District, the operations room will handwrite the
07 75-48 out.

08 MR. CHAMBERS: Can I have a copy of the 48?

09 Anybody?

10 MR. MAZMANIAN: Brief court's indulgence.
11 (Pause.)

12 THE COURT: Do you have it there?

13 MR. MAZMANIAN: I think so. May I approach
14 the officer to see if this is the document he's
15 referring to?

16 THE COURT: Sure. Then we'll make copies.

17 MR. MAZMANIAN: It should have been provided.
18 It was labeled as NCIC paperwork.

19 THE COURT: Okay.

20 MR. MAZMANIAN: You're saying it's not like
21 the normal 48 slip?

22 THE WITNESS: No.

23 MR. MAZMANIAN: Is this what that would be?
24 Is this what would be submitted to the 15th?

25 THE WITNESS: This is what I generate through

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054:01 the computer and I send it over to the 15th

02 District and I send it over on --

03 THE COURT: Before we do that, let's make
04 copies so that Mr. Chambers has it.

05 MR. MAZMANIAN: I mislabeled that to
06 Mr. Chambers because I never seen it before but it
07 should still be provided. We'll get you a copy.

08 THE COURT: Well, let's get copies. We'll
09 clarify it right now. The officer can testify.

10 BY MR. CHAMBERS:

11 Q. So according to policy 1211, section 1, "to
12 establish and maintain a permanent written record of
13 all founded offenses, arrests, complaints, particular
14 incidences, and services requiring police action, a
15 complaint or incident report 75-48 will be prepared at
16 the time that each complaint, offense, or incident is
17 received or observed and will serve as the basic record
18 for such complaint, offense, or incident." Correct?

19 A. Yes.

20 Q. A paper copy?

21 A. As I explained --

22 Q. The slip that all officers are required to carry
23 is the form that's supposed to be filled out?

24 A. As I explained earlier --

25 Q. I understand what you're saying, but what I'm

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055:01 saying is that this is not policy or procedure.

02 A. I've been doing it this way for 22 years.

03 COURT CRIER: Does the witness need a copy,

04 Your Honor? I was not sure.

05 THE COURT: Sure.

06 I think to clarify, Mr. Chambers, I know what
07 you're referring to. When you stop people, they
08 have to do a 48 and 48A.

09 MR. CHAMBERS: Yes.

10 THE COURT: When they're doing
11 investigations, it's a slightly different
12 procedure. It does have to be documented and this
13 was the documentation that should have been sent
14 to you, which you're now given copies of.

15 MR. CHAMBERS: Well, the thing is this, I
16 have reason to believe this documentation was done
17 way after the fact.

18 THE COURT: Okay. Well, that will be an
19 argument that you make, and you can certainly ask
20 any questions relative to those documents. That's
21 why I ask that it be given to you, and you have
22 the officer here.

23 BY MR. CHAMBERS:

24 Q. Officer, for clarity, the date on this is April
25 16, 2019, so that would be the only one?

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056:01 A. This is it.

02 Q. That's it?

03 A. This is it.

04 Q. But the original district control number was
05 placed on the property receipt as one digit off,
06 correct, then someone crossed it out and put that
07 number?

08 A. Yes.

09 MR. MAZMANIAN: Just to clarify, what's the
10 last three digits of the property receipt you're
11 talking about, Officer Bogan?

12 THE WITNESS: I believe he's talking about
13 3393656, I'm sorry, 59.

14 THE COURT: Are we marking this as D-3,
15 Mr. Chambers? Do you want this marked as D-3?

16 MR. CHAMBERS: Yes.

17 THE COURT: So this is D-3, which is what I'm
18 calling the 48 and the 48A computer generated.

19 THE WITNESS: Yes.

20 THE COURT: Go ahead.

21 BY MR. CHAMBERS:

22 Q. So at the top where it says you have ten minutes
23 to enter this text, why?

24 MR. MAZMANIAN: Objection.

25 THE COURT: If the officer knows, go ahead.

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057:01 THE WITNESS: I have no clue.

02 MR. CHAMBERS: No clue.

03 BY MR. CHAMBERS:

04 Q. Officer, I would like to know how is it on this
05 receipt -- I mean, on this 75-48, that you would know
06 on the 16th that there would be one inside transaction
07 and two outside transactions?

08 A. I think --

09 Q. One inside?

10 A. I think what you're asking --

11 Q. Two outside?

12 A. -- is that is already on the screen. If the
13 transaction happened inside, I would have to put one
14 for inside. If it happened on the outside, which is
15 two, and that's why I put the two because, when you
16 sold the drugs, you were outside on the highway.

17 MR. CHAMBERS: Objection to me selling
18 anything.

19 THE COURT: That's overruled, Mr. Chambers.
20 That's the officer's testimony.

21 BY MR. CHAMBERS:

22 Q. So on the original 75-48, it doesn't give you an
23 option of having a one or two. If I'm not mistaken,
24 it's just a box that says in or out on the copy of a
25 75-48, right?

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058:01 A. I don't know. It always comes up. Like I said,
02 I've been doing it this way for --

03 Q. You've never used an accurate form?

04 MR. MAZMANIAN: Objection.

05 THE COURT: We need to -- look, Mr. Chambers,
06 I understand what you're trying to ask, but we
07 need not to make apples into oranges.

08 MR. CHAMBERS: I'm not trying to make apples
09 into oranges.

10 THE COURT: Well, you are, because --

11 MR. CHAMBERS: My argument is --

12 THE COURT: Mr. Chambers --

13 MR. CHAMBERS: -- he never documented
14 anything that he said that happened.

15 THE COURT: You can make those arguments with
16 the motion, and I will hear anything you want to
17 say. But, for the record purposes, he's
18 discussing a computer-generated 48 versus a
19 hand-generated 48 that you keep referring to, and
20 I just want to make sure the record is clear.
21 You're free to argue anything you want in terms of
22 how it was done or whether it was done properly or
23 anything else.

24 BY MR. CHAMBERS:

25 Q. So in reference to probable cause, would you agree

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059:01 that the only thing that you had to acquire probable
02 cause was the transaction of the 18th?

03 MR. MAZMANIAN: Objection. Probable cause is
04 a legal determination.

05 THE COURT: I will sustain it, but just to
06 move it along, what you're asking is is that the
07 only thing you had to go get a search warrant
08 approved by an arraignment court magistrate
09 because it's the arraignment --

10 MR. CHAMBERS: In order for the magistrate to
11 determine probable cause.

12 THE COURT: Correct.

13 MR. CHAMBERS: Right.

14 THE COURT: You can answer.

15 THE WITNESS: Well, the 16th transaction in
16 the vehicle was actually at Anchor and Hegerman
17 and then the second transaction where you walked
18 up to the CI and was followed back to the house
19 you used keys to enter the property.

20 THE COURT: And, Mr. Chambers, in terms of
21 the warrant itself, the only thing I can consider
22 on the warrant is what's on the warrant that was
23 presented to the arraignment court magistrate, not
24 what could have been presented or other
25 information, because that's the only information

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060:01 that the arraignment court magistrate had when
02 deciding whether there was sufficient probable
03 cause to sign it.

04 MR. CHAMBERS: I understand. He keeps -- he
05 continues to reference that the vehicle was parked
06 on Anchor and Hegerman, but in your affidavit it
07 says it was parked on Anchor and Tulip, which is
08 about two blocks away from the house.

09 THE WITNESS: Right. It was a typo on my
10 part. It was Hegerman.

11 BY MR. CHAMBERS:

12 Q. That typo was also presented to the magistrate?

13 A. Yes.

14 Q. So, again, the only determination of probable
15 cause was the transaction from the 18th when someone
16 allegedly was followed back to the residence?

17 A. When you were followed back to the residence, yes.

18 Q. And nowhere in the report or in the affidavit does
19 it say that I was that person?

20 MR. MAZMANIAN: Objection, asked and
21 answered.

22 THE COURT: He can answer.

23 THE WITNESS: I didn't know your name or else
24 I would have put it in there.

25 BY MR. CHAMBERS:

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061:01 Q. This was days later. You got this affidavit
02 signed, allegedly, on the 22nd; so still on the 22nd
03 you didn't know my name?

04 A. I don't understand allegedly.

05 Q. Allegedly.

06 A. Did I falsify the document?

07 Q. Yes, you did. And I say that due to the trash
08 marks that are on the document.

09 THE COURT: Okay. We're going to do it this
10 way because this a motion. You're asking me, from
11 what I understand in the beginning, to suppress
12 the search warrant that there was not
13 sufficient --

14 MR. CHAMBERS: No.

15 THE COURT: -- probable cause.

16 MR. CHAMBERS: No.

17 THE COURT: Then what are you asking?

18 MR. CHAMBERS: It was never a search warrant.
19 It was never an affidavit.

20 THE COURT: So you're claiming that the
21 search warrant that was given to you was made up?

22 MR. CHAMBERS: Search warrant that was given
23 to me has seals on it, and the one he has here in
24 the discovery doesn't. So that's a different copy
25 of the search warrant altogether.

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062:01 THE COURT: Okay. What I suggest in order to
02 be able to ask the questions to deal with the
03 motion you're raising is to go directly to the
04 questions. You see, when it comes to the search
05 warrant, either there is not enough evidence in
06 the body in the probable cause, or, if you're
07 saying I didn't sign it, the person didn't sign
08 it, or if you're claiming something about a seal,
09 let's go right to the issue.

10 MR. CHAMBERS: I'm going through the motions
11 of probable cause because that is still part of
12 the motion. There was no probable cause.

13 THE COURT: It isn't -- probable cause deals
14 with what's in the body of the search warrant.

15 MR. CHAMBERS: That's what we're talking
16 about.

17 THE COURT: No. No. You're starting to
18 raise that there was never a search warrant.

19 MR. CHAMBERS: That's another issue.

20 THE COURT: Well, okay. Let's stick to one
21 issue at a time, Mr. Chambers, so that we can go
22 through this in an orderly way.

23 MR. CHAMBERS: I was trying to. I was trying
24 to.

25 THE COURT: If you're saying there is not

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063:01 enough evidence in the body of the probable cause,
02 then the only thing that I can do is hear your
03 argument and review it. I can't allow the
04 prosecutor to add anything or take anything away.

05 MR. CHAMBERS: Your Honor, that's not the end
06 of the argument though. So I'm going to go
07 through, back through the affidavit, and then once
08 that's established I am going to go through the
09 affidavit itself as far as signatures and other
10 things of that nature.

11 THE COURT: I don't know that --

12 MR. CHAMBERS: It's not just about probable
13 cause. It's about the fraudulence of the
14 affidavit and search warrant altogether.

15 THE COURT: Are you challenging what is
16 written there in the affidavit of probable cause
17 is insufficient to allow the police to go into the
18 house?

19 MR. CHAMBERS: In part.

20 THE COURT: Well, I don't know what "in part"
21 means. Either you are or --

22 MR. CHAMBERS: In part means the first part
23 of it is, yes, because no matter what I still have
24 to argue whether or not there was probable cause.

25 THE COURT: Okay. So if you're arguing that,

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064:01 then all you need to do is say, I don't believe
02 that there is sufficient probable cause in that
03 warrant, and then when we're done with all --
04 MR. CHAMBERS: We're going through that right
05 now.
06 THE COURT: No. No, you're not going through
07 it. When we're done with all of the testimony
08 about all the issues you want to raise, you'll
09 make that argument to me. I will then look at the
10 body of the warrant. I will read it, and I will
11 determine whether or not the magistrate in his
12 shoes believed that there was sufficient probable
13 cause. That's the only thing I can do on a search
14 warrant on that issue.
15 MR. CHAMBERS: Your Honor, throughout the
16 entirety of my argument since I've been coming in
17 your courtroom through motions, I have been
18 claiming that this warrant and the affidavit has
19 been fraudulent. No one has set up a time period
20 to go over that type of stuff, and we're here
21 today to establish whether or not there was
22 probable cause. But within my motion, I do argue
23 whether or not it was accurate, authentic, or if
24 it was fraudulent.
25 THE COURT: Okay. You can argue that it was

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065:01 fraudulent. I'm not precluding your argument on
02 that. I'm just trying to explain to you that the
03 information in the body of the affidavit --

04 MR. CHAMBERS: I got that.

05 THE COURT: -- is information I look at.
06 You're saying --

07 MR. CHAMBERS: You can continue. I got it.

08 THE COURT: -- that information was
09 fraudulent, okay, or it's not enough. Whatever
10 you want to argue when we get to argument that's
11 fine, and I'll read the affidavit. Now you're
12 further raising the issue that, in fact, the
13 police officer made up whatever he put into the
14 search warrant, didn't sign it, didn't do certain
15 things, and, therefore, it should be also
16 suppressed, am I correct about that?

17 MR. CHAMBERS: Yes. There is many issues why
18 it should be suppressed.

19 THE COURT: Well, it can't be about many
20 issues. We go issue by issue by issue. This
21 isn't like --

22 MR. CHAMBERS: Which is more than one issue.
23 There is many.

24 THE COURT: Okay. First issue is the
25 affidavit of probable cause and the sufficiency of

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066:01 it. That's in the body of the warrant. Second
02 issue is whether or not the warrant is fraudulent
03 and whether you're claiming that the officer
04 didn't sign it or didn't do something properly,
05 right?

06 MR. CHAMBERS: How about this; where is the
07 75-51? I don't have a 75-51, which is an
08 affidavit. Does anybody have one?

09 MR. MAZMANIAN: Judge, I don't know what a
10 75-51 is.

11 MR. CHAMBERS: On the face of the search
12 warrant it says we're going to look at the
13 affidavit of probable cause, which is attached to
14 the warrant which is not attached to the warrant.
15 It says the 75-51. The terminology of 75-51 is --

16 THE COURT: Hold it. Hold it. Mr. Chambers,
17 you've got to stop so we can get this done
18 properly, because I want to hear everything you
19 have to say and get it down. Your question is to
20 the officer did you fill out a 75-51 or whatever
21 document you're asking about. That's how we do
22 motions, not a speech.

23 BY MR. CHAMBERS:

24 Q. Affidavit of probable cause.

25 A. I'm sorry?

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067:01 Q. 75-51, is there one?

02 A. I'm sure if you scroll down next you'll see the
03 story. That would be the 75-51.

04 Q. Okay. Let's scroll down.

05 A. There it is.

06 Q. That right there. All right. Zoom in on the top.
07 This is a 49, this investigation report, which is
08 a cut and pasted version of your arrest report so much
09 so you can see that the names -- not the names, the
10 payroll numbers or badge numbers are blacked out, which
11 is exactly the same as your arrest report, 75-49?

12 A. Correct.

13 Q. There is also no indication of any information on
14 the top of this document to link it to this case.
15 There's no district control number. There is no name
16 of the officer, complainant. In fact, where it says
17 race, you can see it was blacked out. It actually says
18 white male. I can clearly see the W. Zoom in further
19 and we can see it's not a B. Also, where it says
20 stolen property, currency and bonds, it has nothing to
21 do with a drug case.

22 So, again, I'm asking you, where is the 75-51,
23 because this isn't it?

24 A. That is the affidavit of probable cause that I
25 attached to the search warrant.

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068:01 Q. It doesn't even say affidavit of probable cause.

02 A. It is attached to the search warrant with a search
03 warrant number.

04 Q. Was it attached to the version of the search
05 warrant that you gave my fiance?

06 A. Your fiance got a copy of the search warrant of
07 the face.

08 Q. A carbon copy?

09 A. Yes.

10 Q. It wasn't attached to an affidavit?

11 A. No.

12 Q. But isn't it procedure to leave a copy of the
13 affidavit and warrant at the property along with the
14 items seized?

15 A. I never left a copy of the affidavit at a house.

16 Q. Again, you never followed proper procedure.

17 THE COURT: Wait a second. Wait a second.

18 Let him answer. Are you -- you're asking to leave
19 a copy of what property is seized?

20 MR. CHAMBERS: Yes. According to
21 Pennsylvania --

22 THE COURT: Okay. Just a second.
23 Go ahead.

24 THE WITNESS: I did not.

25 THE COURT: The answer is did not.

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069:01 BY MR. CHAMBERS:

02 Q. So is this an accurate version of the description
03 of the person you was looking for, a white male who
04 stole stolen currency and bonds?

05 MR. MAZMANIAN: Can you please zoom out,
06 Mr. Goodman, so you can see the left side of the
07 screen?

08 THE WITNESS: I have no idea what that --

09 BY MR. CHAMBERS:

10 Q. I mean, this is the report that you gave to the
11 magistrate is what I'm asking?

12 A. That is the report I gave to the magistrate as you
13 can see by the search warrant number, 212248.

14 Q. At this time you had a district control number,
15 correct?

16 A. Yes.

17 Q. Why is it not on this form?

18 A. It's on the face of the search warrant.

19 Q. On the face of the search warrant? This is a
20 totally different form, though?

21 A. It's all attached to the same search warrant.

22 Q. It was never attached, not to the copy that you
23 left at the house. So how would we know?

24 A. I've never left the story at the house.

25 Q. Okay. Never left the story at the house. Moving

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070:01 on.

02 THE COURT: Can we just clarify, when you say
03 leave at the house, what you leave at the house is
04 the items you take, right?

05 THE WITNESS: Right. What I leave --

06 THE COURT: I'm not sure what he's talking
07 about because you don't leave the affidavit.

08 MR. CHAMBERS: What is supposed to be left at
09 the house is a copy of the search warrant, a copy
10 of the affidavit, and a copy of the inventory.

11 THE COURT: Go ahead.

12 THE WITNESS: When we did the search warrant,
13 Your Honor, what was taken was placed on the
14 property receipt -- on the search warrant. The
15 drugs, the money, the handgun, the shotgun, the
16 paraphernalia, that is all placed in on the actual
17 front page of the search warrant. We leave the
18 owner/occupant copy with his fiance.

19 THE COURT: When you say owner/occupant copy,
20 you mean the front page of the search warrant of
21 what was seized?

22 THE WITNESS: I believe it's, like, the
23 fourth page -- you know what, I have a search
24 warrant in my bag, if you --

25 THE COURT: Well, take a look but it's

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071:01 whatever the --

02 THE WITNESS: I will let you know.

03 THE COURT: We will clarify. I am trying to
04 understand what was left and how it was left
05 because he raised that question.

06 MR. CHAMBERS: All that I'm trying to
07 establish is that the search warrant was not
08 attached to any affidavit, and there is no
09 accurate itemized characteristic to be specific
10 what was taken from the house.

11 THE WITNESS: It is this page of a search
12 warrant.

13 THE COURT: What page?

14 THE WITNESS: It is the fourth page, Your
15 Honor. That is the page that we left with the --

16 THE COURT: That's a copy, right?

17 THE WITNESS: That is actually part of the --

18 THE COURT: No. But it's the first page but
19 it's the fourth copy, am I correct? Isn't that a
20 copy?

21 MR. MAZMANIAN: That's a carbon copy.

22 THE COURT: That's a carbon copy. That's
23 what I mean.

24 THE WITNESS: I'm sorry. Yes.

25 THE COURT: It's the front page. That's what

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072:01 I couldn't understand.

02 THE WITNESS: Right.

03 THE COURT: That's why I kept asking the
04 question. It's the front page of the search
05 warrant. It's the fourth copy that goes and is
06 left with the people at the house where property
07 is taken. Okay.

08 THE WITNESS: Correct.

09 THE COURT: Which lists what property was
10 taken.

11 THE WITNESS: Yes, sir.

12 THE COURT: Got it.

13 Go ahead. You may ask the next question.

14 BY MR. CHAMBERS:

15 Q. The question is just that did you or did you not
16 follow the procedure?

17 A. I did not leave a copy of the affidavit at the
18 house.

19 Q. So there is no way for anyone to know if there was
20 an affidavit prior to now?

21 THE COURT: Mr. Chambers, I am going to ask
22 you to move on, please, because now you're getting
23 into argument. The officer followed the procedure
24 of leaving a copy of what was taken. The
25 affidavit that you're referring to goes with all

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073:01 the paperwork, is turned over as part of the
02 discovery, not left at a house.

03 BY MR. CHAMBERS:

04 Q. Like I was saying, back to the purposes of
05 probable cause. The only thing that we have with the
06 transaction is the 18th, correct?

07 A. That's correct.

08 Q. Which leaves no evidence in the report or any
09 other documentation that I was the suspect that you
10 seen enter into that house?

11 A. That we knew it was you? We knew it was you. We
12 just didn't know your name.

13 Q. That's kind of like --

14 THE COURT: Okay. You got -- look, you're
15 making argument now. These are actually maybe
16 trial arguments you're making. I'm just dealing
17 with whether the evidence comes in.

18 MR. CHAMBERS: Because it goes into the next
19 section as far as what the search warrant where
20 you still didn't put a name on it.

21 THE COURT: The warrant speaks for itself. I
22 keep trying to tell you that.

23 MR. CHAMBERS: You're right. It does, which
24 means that it doesn't have an identification of a
25 suspect.

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074:01 THE COURT: Those are -- that's for argument,
02 for argument. The warrant is the warrant.
03 MR. CHAMBERS: But we are arguing.
04 THE COURT: No. No, we're not.
05 MR. CHAMBERS: Identification and --
06 THE COURT: We're not arguing.
07 MR. CHAMBERS: -- probable cause, correct?
08 This is what Ms. Mazmanian first directed his
09 questioning on, identification and probable cause.
10 THE COURT: Mr. Mazmanian directed his
11 questions to the officer as to information --
12 MR. CHAMBERS: Identification.
13 THE COURT: Excuse me. I don't interrupt
14 you. When the officer is doing the investigation,
15 whatever the officer did in the warrant is in the
16 warrant and that's it. You can argue anything you
17 want, what isn't, what should be, what --
18 MR. CHAMBERS: Your Honor --
19 THE COURT: Anything else?
20 MR. CHAMBERS: Your Honor, the first part of
21 Mr. Mazmanian's direct was about identification.
22 THE COURT: Yes.
23 MR. CHAMBERS: Okay. So all the way leading
24 even into the day that he got a search warrant
25 there is still proof that he had no

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075:01 identification.

02 THE COURT: That's your argument when we're
03 all done with the testimony. That's all I'm
04 trying to explain to you.

05 MR. CHAMBERS: But I'm asking him a question.

06 THE COURT: He's been answering his
07 identification.

08 BY MR. CHAMBERS:

09 Q. So on the face of the warrant, you still did no
10 identification of a suspect?

11 A. I did not know your name, that's correct.

12 Q. You did not know my name?

13 A. That's correct.

14 Q. And you did not docket anywhere in any report or
15 any other document even after the fact of the search
16 that you physically IDed me that day?

17 A. IDed you on the 16th or --

18 Q. On any --

19 A. The sale on the 16th, the sale on the 18th, or the
20 sale on the 22nd?

21 Q. On any day do you have any documentation to prove
22 that?

23 A. Just my testimony.

24 Q. Just your testimony, which was written after the
25 event?

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076:01 A. The only thing that was written after the event
02 was the circumstances of the 22nd when I had your name.

03 Q. And you still didn't put that in the report?

04 That's still not in the arrest report even after you
05 said you had --

06 THE COURT: When you say it's not in the
07 arrest report, can you refer specifically to what
08 you mean by the arrest report? There is a lot of
09 different documents.

10 MR. CHAMBERS: All right.

11 BY MR. CHAMBERS:

12 Q. The 75-49 is another redacted version of the
13 original arrest report, which was given to me by the
14 District Attorney's Office for forfeiture claim. This
15 would be the original.

16 THE COURT: Mr. Mazmanian, does he have the
17 original?

18 MR. MAZMANIAN: He has the 75-49 along with
19 the PARS. Those are the full write-ups and the
20 affidavit that are all full write-ups.

21 MR. CHAMBERS: The PARS, right. The PARS,
22 what was in the PARS? This is the first document.
23 It says it's a copy. It's a copy of the original.
24 The one that claims to be the original is the
25 arrest report. I have the redacted. I have the

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077:01 arrest report. The arrest report claims to be the
02 original. The problem being is the arrest report
03 says it's an original but it can't be a copy which
04 is the redacted because the redacted says Chambers
05 and the original says Chamberlain. Chamberlain
06 would be my accurate name. This is my true name.
07 This is the name that you got when you did the DMV
08 check, Mark Chamberlain, 1235 South 58th Street.

09 THE COURT: Okay. You can't make speeches.
10 You can only ask questions if you're representing
11 yourself.

12 MR. CHAMBERS: I'm going to ask a question.

13 THE COURT: No, you're not. You're going on
14 and on. Ask a question.

15 MR. CHAMBERS: You stopped me. I was
16 explaining why.

17 THE COURT: You don't explain it. You just
18 ask the question that you want to ask, then you
19 can argue whatever --

20 BY MR. CHAMBERS:

21 Q. In the redacted arrest report, in the original
22 arrest report, in the 75-49, did you state that you
23 physically seen me anywhere? Did you finally finalize
24 the identification after the arrest?

25 A. I have to see the reports to see if I have

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078:01 anything in there documented.

02 MR. CHAMBERS: I would like to give him the
03 report.

04 THE COURT: Sure.

05 MR. MAZMANIAN: Judge, I have the PARS and
06 the 49. Neither are redacted. So he's kind of
07 referring to three different documents. These are
08 the only two.

09 MR. CHAMBERS: There is three different
10 documents that was given to me, like, three
11 different versions of the search warrant.

12 THE COURT: There is nothing about three
13 different versions. One has to do with
14 forfeiture. I would appreciate if you did not
15 make statements where you don't have the full
16 information because it makes the record --

17 MR. CHAMBERS: I have the full information.

18 THE COURT: No, you don't, sir, because there
19 is a forfeiture proceeding --

20 MR. CHAMBERS: You're saying I don't but I
21 do.

22 THE COURT: I didn't stop you and you're not
23 going to stop me or you're not going to be able to
24 represent yourself. Mr. Goodman would make an
25 argument; he would hear me; and then I would hear

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079:01 him. That's the way we do things here. Now,
02 there is a forfeiture proceeding, and there is a
03 criminal proceeding. This document is for the
04 criminal proceeding which has everything. The
05 forfeiture proceeding, if I'm correct, may not
06 have all of that information because that's not a
07 criminal proceeding. It's a civil proceeding.

08 MR. CHAMBERS: They're exactly the same.

09 THE COURT: Okay.

10 COURT CRIER: Your Honor, is something being
11 marked?

12 THE COURT: Is this D-4 or D-5?

13 COURT CRIER: D-4.

14 MR. MAZMANIAN: Just for clarity, D-4 will be
15 the PARS because I have to hand up two documents,
16 Judge.

17 THE COURT: Go ahead.

18 MR. MAZMANIAN: D-5 is the 49.

19 THE COURT: Okay. Go ahead. You may ask the
20 question again now that he has the documents.

21 BY MR. CHAMBERS:

22 Q. So there are the different documents, 75-49,
23 arrest report, redacted arrest report; is there
24 anywhere to prove that you ever physically identified
25 me as the suspect?

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080:01 A. On page three of the 49 it has the property
02 receipt for the two clear packets purchased from
03 Chamberlain.

04 Q. Which was written after?

05 A. Well, I knew your name then.

06 Q. But this is in reference to the first?

07 A. The first purchase.

08 Q. The first purchase?

09 A. The first time we bought from you.

10 Q. Now, which document are you saying?

11 A. The 75-49.

12 Q. 75-49?

13 MR. MAZMANIAN: D-5.

14 BY MR. CHAMBERS:

15 Q. Page what?

16 A. Page three.

17 MR. GOODMAN: What is this called?

18 MR. MAZMANIAN: D-5.

19 BY MR. CHAMBERS:

20 Q. So this was an add-on after the arrest report?

21 A. This is after you're arrested. I know your name
22 and I can put those drugs on you at that time.

23 Q. Okay. Now, here's the problem; that's not in the
24 arrest report?

25 A. In the PARS?

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081:01 Q. In the PARS or in --

02 A. You sure about that? On page three of the PARS,
03 two clear Ziploc packets purchased from Chamberlain on
04 4/16 and 19.

05 Q. And this was after when?

06 A. This is after you are arrested at the house.

07 Q. No, the document.

08 A. This is done that day.

09 Q. The PARS report?

10 A. After you're arrested it's done then.

11 Q. The 79 or the PARS?

12 A. The PARS.

13 Q. Was done that day?

14 A. It was done on the day of the 22nd.

15 Q. Or was it done on May 10th?

16 A. What? The PARS?

17 Q. The PARS says it was done on May 10th, which is
18 approximately maybe two weeks after looking at this
19 one.

20 A. Arrest information on the PARS is 4/22. I don't
21 know where you're getting May 10th.

22 MR. CHAMBERS: So can we move these both into
23 exhibits?

24 MR. MAZMANIAN: He has both of them, 49 and
25 PARS, and Mr. Goodman has them.

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082:01 MR. CHAMBERS: Your Honor, the reason for
02 this is the one that I was given on May 10th --
03 THE COURT: I don't know what you were given
04 on May 10th. All we're dealing with is D-4 and 5,
05 which was for the arrest and it was part of the
06 full discovery that you were given for the
07 criminal case.
08 MR. CHAMBERS: Right.
09 MR. MAZMANIAN: This will be marked as the
10 next exhibit in sequence.
11 COURT CRIER: D-6.
12 THE COURT: What is that, Mr. Goodman?
13 MR. GOODMAN: This is the PARS that was
14 provided to Mr. Chamberlain in the forfeiture.
15 THE COURT: That's the forfeiture PARS?
16 MR. GOODMAN: Yes, Your Honor.
17 MR. CHAMBERS: Just for the record, I was not
18 given a 75-49 for discovery until January the 21st
19 of 2020. So that is the first document --
20 THE COURT: Mr. Chamberlain, you've got to do
21 me a favor; I want you to ask all the questions
22 that are relevant. But when you were given this
23 discovery in January versus being given it in
24 October or whenever doesn't matter. We are now in
25 August. You've had this discovery and the

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083:01 question goes to specifics, not when you were
02 given stuff or anything else.

03 MR. CHAMBERS: I know you saying it's not
04 time for argument, but there is argument behind
05 it. This is the reason why it's relevant being as
06 though this says copy. This is the first copy.
07 It says it right there on the bottom.

08 THE COURT: Mr. Chamberlain, you can ask this
09 officer if he knows is this a copy, is this the
10 original, what is this part of? Is this part
11 of --

12 BY MR. CHAMBERS:

13 Q. Is it true or is it not true that this redacted
14 arrest report, the original arrest report that was done
15 on the 22nd, and the 75-49 are all the same, one pasted
16 and cut from the other?

17 A. There are some modifications between the PARS and
18 75-49.

19 Q. Other than the fact that you added the individuals
20 that was in the house, there is not much difference?

21 A. And your statement to Sergeant Love and Officer
22 Galaska.

23 Q. And a statement that is to be claimed that I made.
24 Okay. So I'm just trying to figure out how is this a
25 copy of the arrest report when there are two different

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084:01 documents in whole altogether? Is this not something
02 that doesn't raise an eyebrow?

03 MR. MAZMANIAN: Objection.

04 THE COURT: Okay. That's sustained. Ask
05 your next question.

06 BY MR. CHAMBERS:

07 Q. Basically, in reference to documentation, when was
08 the redacted version written?

09 MR. MAZMANIAN: May I ask a clarifying
10 question?

11 THE COURT: What are you referring to,
12 Mr. Chambers, so it's clear which?

13 MR. CHAMBERS: The first part that I received
14 with the --

15 THE COURT: No. No. Did you mark it?

16 MR. GOODMAN: It's up on the board.

17 MR. CHAMBERS: D-6.

18 MR. GOODMAN: For the record, Your Honor, I
19 will print out a copy. I have it saved as part of
20 my system now so I can print out a copy for court
21 and court reporter.

22 BY MR. CHAMBERS:

23 Q. When was it written is the question?

24 A. When do I write the PARS report?

25 Q. This one.

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085:01 THE COURT: No. No. I think the question
02 goes to this redacted version used for the
03 forfeiture proceedings. Are you involved in doing
04 that at all?

05 THE WITNESS: I submit my discovery to the
06 District Attorney's Office, and, if they redact
07 it, it wasn't redacted by myself.

08 THE COURT: That's the answer.

09 BY MR. CHAMBERS:

10 Q. The District Attorney's Office is redacting the
11 report -- the District Attorney's Office made a
12 duplicate that is actually not the original I'm asking?

13 THE COURT: Sir, no. No. He doesn't know.
14 All he's saying, Mr. Chambers, is --

15 MR. CHAMBERS: But he has to clarify.

16 THE COURT: No. No. No. It's not about
17 clarifying. I do my report on the day of the
18 arrest and I submit it. That's it. And then he's
19 done, right?

20 You're not involved in anything else after
21 that?

22 THE WITNESS: The last thing I do is the 49,
23 and that may be two, three weeks later.

24 THE COURT: And that's based on the PARS
25 report?

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086:01 THE WITNESS: Exactly. Yes, Your Honor.
02 THE COURT: All right.
03 MR. GOODMAN: May it please the court, the
04 PARS, what is the exhibit number for that?
05 MR. MAZMANIAN: D-4.
06 MR. GOODMAN: D-4?
07 THE COURT: Yes.
08 BY MR. CHAMBERS:
09 Q. All I'm asking is what's the difference between
10 the redacted version of the PARS arrest report and the
11 original?
12 MR. MAZMANIAN: Objection, asked and
13 answered, Judge. He doesn't know. He didn't
14 redact anything.
15 THE COURT: I think that's what he just said,
16 but I'll give him a chance to answer it again.
17 THE WITNESS: I redacted nothing.
18 THE COURT: Next question.
19 BY MR. CHAMBERS:
20 Q. So it doesn't exist?
21 MR. MAZMANIAN: Objection.
22 THE COURT: Okay. I think it's been asked
23 and answered. The officer said he did his
24 original reports after the arrest and subsequently
25 the 49 and that's all he ever did. Next question.

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087:01 BY MR. CHAMBERS:

02 Q. Why does each one of the PARS report have
03 different names? The one that's a copy that is
04 supposed to be copy of the original has a different
05 name than the original?

06 THE COURT: When you say "different names,"
07 could you clarify please, Mr. Chambers?

08 BY MR. CHAMBERS:

09 Q. On the copy of the redacted at the top where it
10 says defendant, it says Mark Chambers. On the alleged
11 original at the top for defendant it says Mark
12 Chamberlain.

13 THE COURT: The question is why, if he knows.

14 THE WITNESS: I don't know why they're
15 different on the PARS. I don't know.

16 BY MR. CHAMBERS:

17 Q. So the issue would be, again, this is not a
18 question but authenticity for the record.

19 THE COURT: Keep the issues for closing for
20 your closing argument. You may keep moving with
21 the questions so we can get through the testimony,
22 please.

23 BY MR. CHAMBERS:

24 Q. During the day of the 22nd serving the search
25 warrant, you and Deveaux set up in the back of the

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088:01 house?

02 A. Myself and Officer Deveau, yes.

03 Q. Galaska and other officers set up in the front of
04 the house, correct?

05 A. Yes.

06 Q. How did they radio to you to ask for breach? What
07 was his word?

08 A. I don't authorize a breach. That comes from a
09 supervisor.

10 Q. So that would be Lieutenant Muldoon?

11 A. That would be, I believe, Love, Sergeant Love, or
12 Lieutenant Muldoon.

13 Q. Sergeant Love. After the breach when you came
14 into the residence, the defendant was already arrested,
15 correct?

16 A. You were in the kitchen, yes.

17 Q. Being searched?

18 A. Yes.

19 Q. Prior to that within the discovery and in the
20 evidence there is nothing to determine why; meaning
21 during the search you have authority to detain but you
22 don't have authority to search or arrest without
23 certain significant factors?

24 MR. MAZMANIAN: Objection.

25 THE COURT: That's for argument not --

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089:01 BY MR. CHAMBERS:

02 Q. What I'm asking is was it anything that was
03 determined at that time to automatically arrest the
04 defendant or search him through documentation?

05 MR. MAZMANIAN: Objection.

06 THE COURT: Sustained.

07 BY MR. CHAMBERS:

08 Q. So there is nothing to indicate upon the record
09 that the defendant was a suspect or a reason to arrest
10 the suspect, or the defendant, or search him?

11 MR. MAZMANIAN: Objection.

12 THE COURT: Okay. I am going to overrule
13 that. I think the officer has but he can answer
14 it one final time.

15 Your arrest report contains the investigation
16 information?

17 THE WITNESS: Yes. He was the subject of the
18 investigation after three positive purchases and
19 the search warrant on his house. So you were
20 going to be arrested for the transactions that
21 happened on the 16th, the 18th, and the 22nd.

22 MR. CHAMBERS: Your Honor, I understand that.
23 The problem is that wasn't written into the report
24 until after.

25 THE COURT: You can make that argument. The

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090:01 report speaks for itself.

02 MR. CHAMBERS: I'm just asking the question.

03 THE COURT: The report is written after the
04 arrest is made, am I correct about that?

05 THE WITNESS: The arrest report is after the
06 arrest.

07 THE COURT: And isn't the first thing in the
08 arrest report, if this is the procedure, the PARS
09 report, which describes what the basic facts of
10 investigation and arrest is?

11 THE WITNESS: It's basically a copy and paste
12 from the affidavit and what's added into the PARS
13 is the facts of April 22nd.

14 THE COURT: Which is the date of the search
15 and the arrest?

16 THE WITNESS: Correct, and the purchase.

17 THE COURT: And all of that is sent to the
18 DA's office to determine what, if any, charges are
19 to be lodged against the person who is in custody?

20 THE WITNESS: That's correct.

21 THE COURT: Go ahead. Next question.

22 BY MR. CHAMBERS:

23 Q. The question wasn't answered. Prior to the
24 arrest, prior to the search, was there any
25 documentation given to the officers to let them know

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091:01 who the suspect was or who was to be arrested or

02 searched? That's the question.

03 A. Yes. On the 22nd when you came back to the house

04 after you sold to the CI, I gave the direction and

05 followed you to the 2100 block of East Cheltenham and

06 then you walked southbound and then Officer Galaska

07 then also observed you. So Officer Galaska knew who

08 the target of the investigation was.

09 Q. You're still not answering the question. The

10 question was the documentation proof in evidence that

11 this was --

12 THE COURT: Don't use the word "proof,"

13 please, because that's sort of a legal term. You

14 can ask was there documentation --

15 BY MR. CHAMBERS:

16 Q. Was there documentation?

17 THE COURT: -- and the officer can answer.

18 THE WITNESS: To what?

19 BY MR. CHAMBERS:

20 Q. To prove or to establish that these officers had a

21 direct target to search or arrest?

22 A. Yes, after you made the last sale.

23 Q. No documentation?

24 A. It was all verbal.

25 Q. No. So yes or no documentation?

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092:01 A. There is no documentation except what's in the
02 paperwork.

03 Q. All we have, again, is your word?

04 A. Actually, I think it's in the 49 that I followed
05 you and then Officer Galaska observed you enter the
06 property so there is documentation.

07 Q. This is after the arrest?

08 THE COURT: Okay. I think I know what you're
09 asking. While they're doing the investigation
10 they're not writing out pieces of paper and memos
11 to people or giving them written information.
12 They're communicating orally with backup people.
13 When it's all over, they write a report. Next
14 question.

15 BY MR. CHAMBERS:

16 Q. Okay. You said that you don't do 75-48As, but by
17 policy officers are required to complete a vehicle and
18 pedestrian investigation report 75-48A on all
19 individuals detained in the immediate vicinity of the
20 search of the residence location that is being
21 conducted based upon a valid search warrant.

22 MR. MAZMANIAN: Objection.

23 THE COURT: Sustained.

24 MR. CHAMBERS: On what grounds?

25 THE COURT: I don't have to list my grounds,

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093:01 sir. I make the rulings. You can move on to the
02 next question.

03 MR. CHAMBERS: It's relevant because of the
04 fact he's not documenting as he's required to do
05 in order for procedures like this to show --

06 THE COURT: We've been through what the 75-48
07 is for when you're making pedestrian stops. It's
08 not for going into a house and doing a search
09 warrant.

10 Am I correct, Officer?

11 THE WITNESS: Your Honor, we are supposed to
12 document people inside the property, and I did
13 document it in the 49 who was in the property.

14 THE COURT: So it's now in the 49 as he was
15 supposed to once they went in there, which you
16 have and which you should know, and, instead,
17 you're trying to mix, again, apples and oranges.

18 MR. CHAMBERS: I'm really not because --

19 THE COURT: Aren't you concerned about the
20 documentation?

21 MR. CHAMBERS: Yes, this is part of the
22 documentation. He's supposed to put on a 75-48A
23 why they decided to stop, search, and arrest an
24 individual during a search. There is no
25 documentation and identification and all we have

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094:01 is what he's saying after the fact.

02 THE COURT: And your question is?

03 MR. CHAMBERS: The question is why is it
04 not -- why is not the policy or procedures or
05 commands or directives being followed in order for
06 you to properly do an investigation?

07 MR. MAZMANIAN: Objection.

08 THE COURT: Go ahead. You can answer that.

09 THE WITNESS: They were not the target of my
10 investigation. They were not searched. So I
11 think that --

12 MR. CHAMBERS: We're not talking about them.

13 THE COURT: We're not going to -- that's
14 enough.

15 MR. CHAMBERS: I'm talking about myself.

16 THE COURT: Then ask the question about
17 yourself. There are people in the house that were
18 stopped.

19 MR. CHAMBERS: The question is about myself.

20 THE COURT: Answer it.

21 THE WITNESS: Why we didn't do a 75-48 on
22 you? Because you were actually being arrested.
23 So I have never done a 75-48 on somebody that I
24 have arrested. You're now known as Mark
25 Chamberlain and all your paperwork is Mark

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095:01 Chamberlain so every piece of document --

02 BY MR. CHAMBERS:

03 Q. It's not. I'm arrested under Mark Chambers.

04 MR. MAZMANIAN: Your Honor, at this point I
05 will move to bifurcate. It's 2:38.

06 THE COURT: We can bifurcate it and we can
07 pick it up but I am going to say something so when
08 we do resume with the testimony that you can ask a
09 question, but, after you ask the question, it's
10 not asking it three and five and ten more times.
11 The officer's answer was that. You may disagree
12 and you may believe that he's in violation of
13 directives and you have every right to argue that
14 in your final argument on the motion or
15 potentially at trial, if I believe it's relevant.

16 All right. We will bifurcate. Let's get a
17 date soon so we can finish the motions.

18 MR. MAZMANIAN: Your Honor, can I grab
19 Officer Galaska -- he is another witness -- so we
20 have a good date for him and Officer Bogan.

21 MR. GOODMAN: Your Honor, I will --

22 (Court reporter indicates difficulty in
23 hearing.)

24 THE COURT: He's asking for the notes, the
25 notes of testimony for today's hearing. I'll

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096:01 speak to the court reporter.
02 Officer, let's figure out the date first.
03 COURT CRIER: 9/14.
04 MR. MAZMANIAN: That's fine for me
05 personally. You guys?
06 THE WITNESS: That's good.
07 THE COURT: I don't think we have anything
08 else that day. We have one status hearing. That
09 would be the only thing we schedule that day so we
10 can finish this up.
11 MR. GOODMAN: I have one preliminary hearing
12 that day. That's obviously earlier.
13 THE COURT: That's fine. You can do that.
14 You can come here, and I'll clear the day.
15 Go ahead. I have you as Chambers. That's
16 what the court has. I understand it's
17 Chamberlain. Go ahead.
18 MR. CHAMBERS: I am objecting to any further
19 continuances and delay not only due to lack of
20 evidence but due to the fraudulent documentation
21 that has still not yet to be established as well
22 as the promulgation of falsehood and fraud upon
23 the court. Furthermore, the District Attorney's
24 Office is disqualified from even trying this case
25 due to the conflict of interest of Jason Morgan

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097:01 who is the person who signed my criminal complaint
02 to be the person who has affirmed knowledge of
03 these incidents and he is also the person that's
04 in charge of discovery, court proceedings, and
05 contact with the police officers, investigating
06 officers. So due to that, I am asking for a
07 change of venue.

08 THE COURT: Okay. That will be a motion
09 we'll deal with in the future. Your jury trial is
10 scheduled for 10/26 so we have plenty of time to
11 deal with all the motions in September and take
12 care of everything then.

13 All right. The reason that we're continuing
14 the hearing today, for the record, and I want to
15 put this on the record, is that the police have
16 been called in because there is potential unrest
17 in different parts of the city as a result of the
18 shooting that occurred in Kenosha, Wisconsin
19 earlier this week, and, therefore, the police are
20 on duty in various parts of city. That's why we
21 could not complete it today. All right. That
22 does it.

23 (Proceedings concluded.)

24

25

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098:01

CERTIFICATION

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I hereby certify that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me on the hearing of the above cause on August 26, 2020, and that this copy is a transcription of the same.

ELISABETTA GUERRIERO, RPR
Official Court Reporter

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1 IN THE COURT OF COMMON PLEAS OF PHILADELPHIA
2 FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
3 CRIMINAL TRIAL DIVISION

4 - - -
5 COMMONWEALTH :
6 v. :
7 MARK CHAMBERS : CP-51-CR-0004488-2019

8 - - -
9 Courtroom 1105
10 Justice Juanita Kidd Stout Center
11 Philadelphia, Pennsylvania

12 - - -
13 September 14, 2020
14 - - -

15 Motions Hearing

16 BEFORE: THE HONORABLE CHARLES EHRLICH, J.
17
18

19 APPEARANCES:

20 GREGORY MAZMANIAN, ESQ.
21 Assistant District Attorney
for the Commonwealth

22 LEON GOODMAN, ESQ.
23 Back-up Counsel for Defendant

24 MARK CHAMBERS, pro se
25

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2 - - -

3 COMMONWEALTH'S WITNESSES

4

5 <u>WITNESS</u>	<u>DR</u>	<u>CR</u>	<u>RD</u>	<u>RC</u>
6 Off. Timothy Bogan	--	6	47	
7 Off. Jeffrey Galazka	71	80	97	98

8

9

10

11

12

13 DEFENSE WITNESSES

14

15 <u>WITNESS</u>	<u>DR</u>	<u>CR</u>	<u>RD</u>	<u>RC</u>
16 (none presented.)				

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- - -

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1 THE CRIER: Your Honor, this is
2 Case Number 3, Mark Chambers.

3 THE COURT: All right. Are we
4 ready to proceed?

5 We're starting with the
6 cross-examination on the motion. Officer
7 Bogan was on the stand. We started the
8 motion, just for the record, on August 26th,
9 2020. Officer Bogan testified on direct and
10 is still on cross here today on September 14th
11 to complete the motion.

12 Let's have Officer Bogan come
13 back, put him on the witness stand, and we may
14 resume cross-examination.

15 MR. MAZMANIAN: Thank you, Your
16 Honor. Officer Bogan is in the hallway.

17 THE COURT: All right.

18 MR. MAZMANIAN: Your Honor, for
19 the record, we do have the notes of testimony.
20 Mr. Griffin just sent them to me. Would you
21 like me to forward them to Your Honor?

22 THE COURT: Yes, please. That
23 would be helpful, and let's proceed forward.

24 Let's swear him in, please.

25 THE CRIER: Officer, please

1 state your full name, give your badge number,
2 and unit of assignment for the record.

3 THE WITNESS: Officer Timothy
4 Bogan, B-O-G-A-N, Badge Number 3358, assigned
5 to Narcotics.

6 - - -

7 ...TIMOTHY BOGAN, having been
8 duly sworn, was examined and testified as
9 follows:

10 - - -

11 THE CRIER: Thank you. Have a
12 seat, sir.

13 THE COURT: Good morning,
14 Officer Bogan.

15 THE WITNESS: Good morning, Your
16 Honor.

17 THE COURT: We're still on the
18 motion on cross.

19 Mr. Chambers, you can proceed.

20 - - -

21 CROSS-EXAMINATION

22 - - -

23 BY MR. CHAMBERS:

24 Q. Before we stopped the last time, I believe we
25 were talking about the affidavit of probable cause,

1 and you asked me was if I was accusing you of
2 fabricating a document.

3 Is it any possibility that you brought the
4 original copy of the affidavit and search warrant
5 with you today?

6 MR. MAZMANIAN: Objection, Your
7 Honor.

8 THE COURT: Sustained.

9 BY MR. CHAMBERS:

10 Q. Do you have a copy of the original affidavit
11 and search warrant?

12 MR. MAZMANIAN: Objection, Your
13 Honor.

14 THE COURT: Well, he can answer
15 that, if has it.

16 THE WITNESS: I believe I do.
17 It's not on me. I'm sure the original copy is
18 at the DA's office, as well as downstairs in
19 the of Magistrate's office.

20 BY MR. CHAMBERS:

21 Q. In the beginning of the affidavit of probable
22 cause, it states that you received information from
23 Mangone and Winscow from the Intelligence Unit.

24 THE COURT: You're going to have
25 to speak up, sir.

1 MR. CHAMBERS: I'm sorry. Is
2 this on?

3 BY MR. CHAMBERS:

4 Q. That's Mangone, M-A-N-G-O-N-E, and Winscow of
5 the Intelligence Unit, about a black male named Ron
6 selling drugs in the area of Torresdale and Anchor
7 using the telephone number --

8 THE COURT: You can move back
9 from the mic just a little bit?

10 MR. CHAMBERS: Using the
11 telephone number 215-609-7495.

12 BY MR. CHAMBERS:

13 Q. What is the first name of Officer Mangone?

14 A. Patrick.

15 Q. Patrick Mangone?

16 A. I believe so.

17 Q. Is this not Special Agent Patrick Mangone?

18 THE COURT: If the officer
19 knows.

20 THE WITNESS: I mean, he does
21 have a relative that was on the Police
22 Department who I believe was with the Attorney
23 General's Office.

24 BY MR. CHAMBERS:

25 Q. Is he Intelligence or is he the Attorney

1 General officer?

2 A. The one I received the information from is
3 from Criminal Intelligence. He's a police officer.

4 Q. He's a police officer.

5 Did Patrick Mangone give you any information in
6 reference to when he received this information?

7 A. I don't remember if he did or not, but as soon
8 as he gave it to me, I went out the 16th and tried
9 the phone number.

10 Q. Do we have a source of this information?

11 MR. MAZMANIAN: Objection.

12 THE COURT: All right. I'm
13 going to sustain it. The motion is on the
14 probable cause in the affidavit.

15 MR. CHAMBERS: That's what we're
16 talking about.

17 THE COURT: When he got it or
18 other material is not relevant to whether
19 there's sufficient bases in the actual
20 affidavit -- which is the only thing that I
21 can consider -- to suppress.

22 MR. CHAMBERS: Actually, the
23 only information that is allowed to be used is
24 the information in the affidavit, and the
25 affidavit does not give a timeframe or a

1 source of information, which is one of the
2 implications.

3 THE COURT: Okay. Mr. Chambers,
4 you can argue that.

5 MR. CHAMBERS: So I'm ask just
6 asking him --

7 THE COURT: No, you can't ask
8 him. You can argue that it's insufficient
9 because -- anything that you feel is wrong in
10 the affidavit, you're going to be free to
11 argue to me that that's why I should suppress
12 the affidavit, or what you feel was not in the
13 affidavit that should be there, okay?

14 MR. CHAMBERS: Okay.

15 THE COURT: Let's go.

16 BY MR. CHAMBERS:

17 Q. So the information about Ron selling the
18 drugs, is there any confirmation on who Ron was?

19 MR. MAZMANIAN: Objection, Your
20 Honor.

21 THE COURT: Okay. Again, I'm
22 going to sustain it. You have said that this
23 affidavit is not enough for a magistrate to
24 sign to be able to go into a property. The
25 affidavit speaking for itself. I keep trying

1 to tell you that.

2 You can argue -- and I said this
3 a minute ago -- that they should have put this
4 in the affidavit, or they should have put that
5 in the affidavit, or any other information
6 that you think should have been --

7 MR. CHAMBERS: My motion --

8 THE COURT: Mr. Chambers, let me
9 finish. That it should be in there to make
10 the warrant or the affidavit proper. But
11 asking this officer about other information is
12 not relevant to the motion.

13 Next.

14 MR. CHAMBERS: My motion is not
15 only suppressing the physical evidence, it's
16 also suppressing an arrest.

17 THE COURT: You cannot suppress
18 an arrest.

19 MR. CHAMBERS: I can suppress an
20 arrest if there's no probable cause to make an
21 arrest.

22 THE COURT: Well, you can argue
23 that there's insufficient probable cause, but
24 you --

25 MR. CHAMBERS: This is all

1 related.

2 THE COURT: But you cannot
3 suppress an arrest.

4 Go ahead. Keep going.

5 BY MR. CHAMBERS:

6 Q. So on the second transaction -- I'm sorry, the
7 third transaction -- the 22nd, after this transaction
8 is when the warrant was executed, correct?

9 A. That's correct.

10 Q. What was obtained during the search?

11 A. What was confiscated?

12 Q. Yes.

13 MR. MAZMANIAN: Judge, I'm just
14 going to object on it being asked and
15 answered. It is a new day, but we have gone
16 over it at length at this point.

17 THE COURT: I will let him
18 answer the question, although, it's all on the
19 face of the search warrant.

20 MR. CHAMBERS: Your Honor, I
21 would like to also say, Your Honor, throughout
22 the entirety of our meetings and me being
23 allowed to address the situation and records
24 in reference to this case, I have indicated
25 several times that the evidence and

2 part of the motion and arguing these points.

3 So me asking these questions is
4 going to making the point of the fraudulent
5 documentation.

6 THE COURT: So if I'm correct,
7 what you're claiming is that the evidence
8 that's on the face of the search warrant that
9 was collected, drugs, weapons, revolver,
10 shotgun, paraphernalia and cash, was, in fact,
11 never collected from the location of 2139
12 Anchor Street; is that right?

13 MR. CHAMBERS: Correct. As the
14 criminal complaint indicates, it was collected
15 from 2139 East Sanger Street, six days prior
16 to them coming to my residence.

17 THE COURT: Okay. We can't deal
18 with three things at once. Let's deal with
19 the warrant first that you're trying to
20 suppress, and then we can go on from there.

21 The officer can answer. Go
22 ahead.

23 THE WITNESS: Confiscated from
24 you in the kitchen from your wallet was one

75
25 packet of heroin, two Suboxone strips, seven

1 clear packets of crack cocaine, one cell
2 phone, one .38 revolver with six rounds, \$420
3 plus the buy money which was used on that
4 day, which was \$40.

5 From the basement from the
6 rafters was one sawed-off shotgun. From the
7 washing machine/dryer was one clear bag
8 containing pills, one scale, new and unused
9 clear packets. It was also mail confiscated
10 I believe from the living room in your name
11 with that address, I believe.

12 BY MR. CHAMBERS:

13 Q. You did take pictures of the mail, correct?

14 A. It's in discovery.

15 Q. But you took no pictures of any of the
16 evidence that was confiscated during the exact same
17 time that you confiscated the mail?

18 MR. MAZMANIAN: Objection, Your
19 Honor. The officer has already that no
20 pictures of the evidence were taken.

21 MR. CHAMBERS: He didn't answer
22 the question.

23 THE COURT: Okay. That's
24 because there was an objection. If he has
25 testified that there were no pictures taken,

1 that's the answer.

2 MR. CHAMBERS: He didn't answer.
3 He objected before he could answer.

4 THE COURT: Previously, he had
5 said that no pictures were taken. But let's
6 go ahead.

7 Officer Bogan, were any pictures
8 taken?

9 THE WITNESS: No, sir.

10 THE COURT: Next.

11 BY MR. CHAMBERS:

12 Q. During the direct, in reference to the search
13 warrant, there was an exhibit put in with Assistant
14 District Attorney Kate Lewis' signature on the front.
15 This would reflect that exhibit, correct?

16 A. I can't see everything on that page.

17 THE COURT: Wait a second. Has
18 this been marked?

19 I believe this was marked as
20 C-2.

21 MR. MAZMANIAN: It's C-1, Your
22 Honor. I have a copy, I can bring it up.

23 THE COURT: Okay. Let the
24 officer see what is being asked.

25 MR. MAZMANIAN: Do you want a

1 copy of it in front of you, Officer Bogan, or
2 is that okay?

3 THE WITNESS: Sure. Can I have
4 a copy in front me?

5 MR. MAZMANIAN: Yes, I have one.
6 May I approach, Your Honor?

7 THE COURT: Yes, please.

8 MR. MAZMANIAN: For the record,
9 I'm not including the affidavit, just the
10 front page that's currently being talked
11 about.

12 THE COURT: Which is C-1, right?

13 MR. MAZMANIAN: Which is C-1,
14 Your Honor. It has been already been
15 previously marked and moved into evidence.

16 THE COURT: Go ahead. You can
17 ask again.

18 BY MR. CHAMBERS:

19 Q. Kate Lewis signed this exhibit, it says
20 Exhibit C-1, on the face on the warrant, correct?

21 A. That's correct.

22 Q. Can you explain who whitened her name out on
23 the document C-2?

24 THE COURT: And what is C-2 for
25 the record?

1 MR. MAZMANIAN: For the record,
2 Your Honor, C-2 is --

3 MR. CHAMBERS: C-2 is the
4 warrant that the judge allegedly signed.

5 BY MR. CHAMBER:

6 Q. Her name is no longer on the warrant. Did you
7 white it out?

8 A. Originally her name is not on the warrant
9 because that's the actual copy of the search warrant.
10 This is a copy of the approved affidavit that she
11 emailed me back and had it printed out.

12 So that is why it Kate Lewis is not scribe
13 across the front of the search warrant.

14 Q. So after she approved it, you removed it?

15 A. No.

16 Q. Well, it's clearly signs of it being "whited"
17 out by a black marker.

18 MR. MAZMANIAN: Objection. Not
19 a question.

20 MR. CHAMBERS: It's leading to a
21 question.

22 THE COURT: You have to ask a
23 question.

24 BY MR. CHAMBERS:

25 Q. The question is, where is the approval of Kate

1 Lewis on the warrant that was signed by the
2 magistrate?

3 A. What I actually do is when the ADA sends this
4 back to me via email or fax, I put a copy of what the
5 DA sent me back in the discovery.

6 I then would write on the side of the warrant
7 ADA Kate Lewis -- "approved by ADA Kate Lewis,"
8 exactly the time that she approved it on the side of
9 the warrant. And if I'm right, it may be up there on
10 the upper left.

11 Q. So you wrote the information on the warrant?

12 A. On the original I wrote it, on the side of the
13 warrant.

14 Q. The original would be the first document that
15 she signed. That's the warrant that you should have
16 gotten signed by the magistrate, correct?

17 A. The DA's office -- when I sent the warrant
18 down to the District Attorney's Charging Unit, I sent
19 them down a photocopy of the face, as well as the
20 probable cause. They emailed it back or faxed it
21 back, and that is what I put in the discovery.

22 Q. So this is a clear indication of you forging
23 Kate Lewis's signature on the warrant?

24 MR. MAZMANIAN: Objection.

25 THE COURT: All right. I'll

1 going to sustain that.

2 Let me just ask Officer Bogan,
3 I'm just curious, the procedure when you're
4 getting a search warrant, if I'm correct, is
5 that you put it together, and you send it to
6 the District Attorney's Charging Unit?

7 THE WITNESS: Yes, sir.

8 THE COURT: And you send it to
9 the Charging Unit to make sure that they
10 approve it and that there's sufficient
11 probable cause?

12 THE WITNESS: That's correct.

13 THE COURT: All right. And
14 that's all done via fax?

15 THE WITNESS: It's either fax or
16 email.

17 THE COURT: When you get it
18 back, you then have to go down to the Criminal
19 Justice Center to get a magistrate to approve
20 it?

21 THE WITNESS: When I get it back
22 and if it's approved like it is here, what I
23 will do is I will write on the side of the
24 warrant "approved by ADA Kate Lewis on 4/21 at
25 12:32 p.m.," and then I would take it to the

1 magistrate and then they would review it, and
2 authorize the search.

3 THE COURT: Okay. I guess my
4 question is, when you take it to the
5 magistrate, you take a clean copy?

6 THE WITNESS: Yes.

7 THE COURT: Meaning that the
8 information about Kate Lewis or other things
9 is not on there?

10 THE WITNESS: Except on the side
11 of the search warrant, Your Honor. My
12 supervisor actually approves it on the side of
13 the warrant --

14 THE COURT: Right.

15 THE WITNESS: -- and then I
16 would write whichever DA approves the warrant,
17 and that is why I put a copy of what I get
18 back from the DA's office in the discovery.

19 THE COURT: Okay. Very good.
20 You may proceed.

21 BY MR. CHAMBERS:

22 Q. This is normal procedure?

23 A. It's the way I have been doing it for twenty
24 plus years.

25 MR. GOODMAN: One moment, Your

1 Honor.

2 BY MR. CHAMBERS:

3 Q. Do you have a multi-colored copy like you
4 pulled out the last time to show the signature of the
5 DA on the front of the face and then where you wrote
6 it?

7 A. I don't have a search warrant on me today.

8 Q. No. I mean the original one that you used for
9 this?

10 A. I don't understand your question.

11 Q. The carbon copies. The colored carbon copies
12 that were used to duplicate this?

13 A. Okay.

14 Q. Do you have them?

15 A. No, I don't have them.

16 Q. Do you know who has them?

17 A. I believe the magistrate's office gets one,
18 and the rest are dispersed among other agencies and
19 other officers.

20 MR. CHAMBERS: Excuse me for one
21 minute.

22 THE COURT: While we're waiting,
23 I just want to state something which maybe I
24 didn't make clear in beginning to Mr.
25 Chambers. When you represent yourself, you

1 represent yourself. Mr. Goodman is back-up
2 counsel. You cannot be conferring with him --
3 and, Mr. Goodman, I appreciate that you got
4 all of the discovery for Mr. Chambers and you
5 have given him all of the tools he needs, but
6 I'm also asking you -- I'm not going to allow
7 hybrid representation in this case.

8 I wanted the defendant to have
9 somebody like you who is very experienced as
10 back-up counsel, and to make sure he had all
11 of the materials he needs to proceed on his
12 own. But since he wants to represent himself,
13 he has to represent himself.

14 Thank you.

15 MR. CHAMBERS: The documentation
16 that he gave me, I gave to him. It was just
17 given back to me.

18 THE COURT: Okay. Mr. Chambers,
19 did you hear what I said?

20 MR. CHAMBERS: I did. I was
21 just clarifying.

22 THE COURT: You cannot confer
23 with him. If you're representing yourself,
24 then you represent yourself. If you want Mr.
5 Goodman to take over at any time, that's fine

1 with me.

2 MR. CHAMBERS: There is some
3 documentation that I gave him that I was just
4 receiving back. He wasn't giving me anything
5 extra that I don't already have.

6 THE COURT: Very well.

7 MR. CHAMBERS: Exhibit D-7.

8 MR. GOODMAN: As an officer of
9 the Court, I believe we're at Exhibit-6 at
10 this point?

11 MR. MAZMANIAN: That's correct.
12 That's what I have written down. D-7 would be
13 the next one.

14 THE COURT: D-7. Okay, very
15 good. Is that being marked?

16 MR. CHAMBERS: D-7, yes. This
17 is the bottom half copy of the blue carbon
18 copy that was left at the residence.

19 THE COURT: Okay.

20 MR. CHAMBERS: I have the top
21 half, too, but you know it's a longer page.
22 This is the first half of it, and then it was
23 folded in half to make a photocopy of it.
24 This is just the bottom half of it.

25 So my question is --

1 THE COURT: Well, hold it.
2 Before we get to that, do we have a copy for
3 the witness?

4 MR. MAZMANIAN: Your Honor, it
5 looks like C-2 with the seal on it. I can
6 give Officer Bogan C-2, which would be the
7 copy of the completed warrant.

8 THE COURT: Okay, very good.

9 MR. MAZMANIAN: May I approach,
10 Your Honor?

11 THE COURT: Please, just so that
12 everybody has the same thing. Yes.

13 MR. CHAMBERS: So is a copy of
14 this warrant being given to Bogan?

15 MR. MAZMANIAN: I did provide
16 Officer Bogan with a copy of C-2, the
17 completed search warrant that has been marked
18 and moved into evidence.

19 MR. CHAMBERS: With the seals on
20 it?

21 BY MR. CHAMBERS:

22 Q. The copy that was just given to you, does it
23 have these seals on it?

24 A. I can't tell if there's a seal on this or not.

25 MR. CHAMBERS: Can it be shown?

1 Can we see it?

2 THE COURT: Well, Mr. Mazmanian,
3 do you want to approach?

4 Do you know if there's seals on
5 what you just gave him?

6 MR. MAZMANIAN: I can speak as
7 an officer of the Court, Your Honor, that you
8 can kind of tell that there's a seal on bottom
9 left-hand corner. But because these are
10 photocopies of the warrant, it's not like the
11 press seal is very obvious.

12 MR. CHAMBERS: Can we bring it
13 up?

14 MR. MAZMANIAN: Specially
15 because it's not a carbon copy, as this would
16 be a copy of. But, yes, do you see where Mr.
17 Goodman is focusing in next to "22nd"?

18 If you compare the two, that's
19 where the seal is, but on the copy that I have
20 it is very faint. And that's what Officer
21 Bogan has in front of of him.

22 MR. CHAMBERS: Well, I have an
23 objection to that. That's a clear indication
24 that it's not the same. There's no
25 similarity.

1 THE COURT: Okay. I'll tell you
2 what, let Officer Bogan get off of the witness
3 stand, and if he needs to take a closer look
4 at this he can do that, and answer to whatever
5 question that you're going to ask.

6 Let's go.

7 BY MR. CHAMBERS:

8 Q. The question is, can you explain why the
9 carbon copy that was left at the residence has seals
10 on it, and the copy that was just given to you, which
11 is a copy that was given to me in the discovery, does
12 not?

13 You have a complete copy of it, correct?

14 A. The reason why that has a seal on it is
15 because that's made off of the original warrant and
16 this is a photocopy, which obviously, didn't pick up
17 on the seal.

18 Q. Well, if that's your story, I will move on.
19 Commonwealth's Exhibit-1 and Exhibit-2.

20 MR. MAZMANIAN: For the record,
21 Officer Bogan does have Commonwealth's Exhibit
22 -1 and Exhibit-2 in front of him.

23 THE COURT: Very well.

24 BY MR. CHAMBERS:

25 Q. If you look at the area where it says, "Owner:

1 Sean Paul, gold voter's check shows James Rose."

2 "Target: black male wearing all black,
3 medium dark complexion, medium build."

4 You can see at the "medium build," the
5 alignment is off on it, and it's below the line going
6 into the area of "violation." If we compare that to
7 Exhibit-7, which is a copy of the carbon copy, this
8 alignment is not the same. The "build" is above the
9 line.

10 MR. MAZMANIAN: Objection,
11 argumentative. It's not a question for the
12 witness.

13 MR. CHAMBERS: So the question
14 is --

15 THE COURT: Okay. Mr. Chambers,
16 I want you to just ask questions. I will hear
17 whatever argument that you want to make, but
18 in a motion it's about questions and answers.

19 Let's go.

20 MR. CHAMBERS: So in order for
21 me to ask the question, I have to make sure
22 that the Court understands what it is that I'm
23 asking the question about.

24 THE COURT: No. Just ask the
25 question.

1 BY MR. CHAMBERS:

2 Q. The question is, can you explain why the
3 alignment is different on this form --

4 THE COURT: You have to move
5 back a little bit from the microphone.

6 BY MR. CHAMBERS:

7 Q. -- from the carbon copy, compared to what is
8 being used as the original copy?

9 If you can see, "medium build" is below the
10 line into the area of "violation," and on the carbon
11 copy it is above the line, clearly showing that it is
12 a separate and different copy.

13 So I'm just asking if you have an explanation
14 on how it could possibly be two different
15 alignment issues on the same copy with the same
16 warrant?

17 A. I don't know. I'm looking at the two
18 documents in front of me, they look almost identical.

19 Q. Of course, that's what you would say. But
20 again, if you look at "medium build" --

21 MR. MAZMANIAN: Objection.

22 THE COURT: Sustained.

23 Ask the question. It's not
24 about argument.

25 MR. CHAMBERS: It's not about

1 And then the officer answers
2 whatever his answer is, and then you can make
3 argument to me. I know what you're trying to
4 bring out, and I'm going to let you do it, but
5 you have to do it the right way.

6 Let's go.

7 MR. MAZMANIAN: Your Honor, for
8 the record, these are not comparisons of C-1
9 and C-2 that Officer Bogan has in front of
10 him. This up on the screen is actually a
11 comparison of C-1 and D-7. They are two
12 completely different things.

13 THE COURT: All right. Let's
14 go.

15 MR. CHAMBERS: All right.

16 BY MR. CHAMBERS:

17 Q. After the transaction on April 22nd, 2019,
18 Property Receipt 3393678 would indicate the property.
19 This property also has an evidence control data form,
20 Lab Number 1906643. It also has a district control
21 number and a property receipt that doesn't belong to
22 this case. They are crossed out. Are you the person
23 that crossed them out?

24 A. I would have to see the document.

25 Q. Exhibit-8, Defense.

1 THE COURT: Can you see that
2 from where you're at?

3 THE WITNESS: No, Your Honor.

4 THE COURT: All right. Can we
5 have a copy that we can just mark D-8 and show
6 it to the witness?

7 MR. MAZMANIAN: I think I have
8 it, Your Honor. One second.

9 THE COURT: All right.

10 MR. MAZMANIAN: I know it's in
11 the file.

12 THE COURT: Okay.

13 MR. CHAMBERS: Your Honor, I do
14 apologize about the exhibits, but I tried to
15 address a lot of these issues prior to this
16 hearing.

17 MR. MAZMANIAN: Judge, may I
18 approach?

19 MR. CHAMBERS: And we were not
20 given an opportunity to go over these
21 documents.

22 THE COURT: I don't know what
23 you mean by "going over the documents," but if
24 there are issues about not having documents
25 then you bring it to my attention.

1 Do you have everything?

2 MR. CHAMBERS: We have the
3 documents.

4 THE COURT: All right then.

5 MR. CHAMBERS: I'm just saying
6 at several different hearings I have made
7 argument about the documents.

8 THE COURT: Okay.

9 MR. CHAMBERS: So I'm just
10 saying I'm going over them now because this is
11 the first time I have been allowed to do so.

12 THE COURT: Is this D-8 that
13 you're marking?

14 MR. GOODMAN: Yes, Your Honor.

15 THE COURT: All right.

16 The officer has a copy of it?

17 MR. MAZMANIAN: Yes, Your Honor.

18 THE COURT: Do you have that?

19 THE WITNESS: I have it, Your
20 Honor.

21 MR. GOODMAN: Can we have a
22 second?

23 THE COURT: Sure. I will take a
24 look at it while the officer is being
25 questioned so that I know what you're asking

1 about.

2 MR. GOODMAN: For the record,
3 Your Honor, it's on the screen.

4 THE COURT: This is D-8. Go
5 ahead, Mr. Chambers.

6 MR. CHAMBERS: Do you want me to
7 repeat the question?

8 THE COURT: Yes, please.

9 BY MR. CHAMBERS:

10 Q. The indication is that someone crossed out
11 these numbers and added the information that belongs
12 to my case to it.

13 So I'm asking you, did you cross out the
14 information and add my information to this document?

15 A. No.

16 Q. Exhibit-9, Property Receipt 3393768, which is
17 the property receipt number that's crossed out on
18 this document.

19 THE COURT: Do we have a copy of
20 that?

21 Again, I think as you're going
22 through it, it will be helpful for the
23 officer, and also I need a copy for the Court.

24 MR. MAZMANIAN: Can I have that
25 property receipt number again?

1 MR. CHAMBERS: It's 3393768.

2 MR. MAZMANIAN: Okay, -3768. I
3 think I do.

4 MR. GOODMAN: May I please the
5 Court? All of the exhibits that I have, I
6 will print out from this, and I can email it
7 to His Honor as well as the court reporter.

8 THE COURT: All right.

9 MR. MAZMANIAN: May I approach,
10 Your Honor?

11 I do have a copy of this.

12 THE COURT: Okay. Yes, please.

13 BY MR. CHAMBERS:

14 Q. This exhibit shows the defendant by the name
15 of Rashawn Carter. Do you have any knowledge of Ron,
16 which is the information you received from Mangold
17 and Winscott?

18 Do you have any information to know whether
19 or not if Ron is Rashawn?

20 A. This is the first time I'm seeing this.

21 Q. Were you involved in an arrest of Rashawn?

22 A. No, I was not.

23 THE COURT: Can I just ask, D-9,
24 was that prepared by you, officer?

25 THE WITNESS: No, Your Honor, it

1 argument.

2 THE COURT: You have your view,
3 Mr. Chambers, and I respect that, and that's
4 why I'm going to hear all of your argument.
5 But as to this officer, you don't need to have
6 3 minutes building up to a question. Just ask
7 your question. In this case --

8 MR. CHAMBERS: Question asked
9 and answered.

10 THE COURT: -- it would have
11 been very simple to say --

12 MR. CHAMBERS: Question asked
13 and answered.

14 THE COURT: Mr. Chambers, when
15 I'm talking, you don't talk. I'm not talking
16 while you're talking.

17 All you would have had to ask,
18 Mr. Chambers, to give you an example is, it
19 appears that this "medium build" is slightly
20 below the line; is that correct?

21 Yes.

22 MR. CHAMBERS: That's correct.

23 THE COURT: Then on the other
24 one, it looks like it's above the line; is
25 that correct?

1 was not.

2 THE COURT: All right. Very
3 well.

4 BY MR. CHAMBERS:

5 Q. There is also a memorandum, Exhibit-10, that
6 indicates Police Officer Devereux is the one who
7 prepared the property receipt. And this memo was
8 used to correct an item on my property receipt; and
9 the item that was added to my property receipt is the
10 item that is on Rashawn Carter's property receipt,
11 which is a blue glassine packet containing alleged
12 heroin.

13 You indicated before that Tyra Devereux is
14 the one who prepared the property receipts, correct?

15 MR. GOODMAN: May I please the
16 Court? Here is the print out.

17 THE CRIER: Thank you. What
18 number is it?

19 MR. GOODMAN: D-10, I'm sorry.

20 THE CRIER: Thank you.

21 The witness is being shown D-10.

22 BY MR. CHAMBERS:

23 Q. The question is, did you authorize Devereux to
24 do this memorandum and to add that item to the
25 property receipt?

1 MR. MAZMANIAN: Your Honor, I'm
2 going to object. Do you have this in front of
3 you?

4 THE COURT: I don't.

5 MR. MAZMANIAN: Okay. Well,
6 either way, he just asked if he authorized
7 Officer Devereux -- this isn't her document.
8 The signature is on the bottom is not her's.
9 It lists an analyst and forensic manager.

10 THE COURT: Can I see the
11 document?

12 MR. CHAMBERS: It says --

13 THE COURT: Just a second, Mr.
14 Chambers. Can I see the document?

15 THE COURT: Where is Officer
16 Devereux's name on what I'm looking at, which
17 is C-10, "Correction to property receipt
18 memo."

19 MR. CHAMBERS: It's right below
20 "Subject: Correction to property," it says
21 the property receipt, the DC number, lab
22 number. It says on "April 22nd, 2019," in
23 that area right there, if you would read from
24 there.

25 THE COURT: All right. "The

1 property receipt was prepared by Police
2 Officer Devereux," is that what you're
3 referring to?

4 MR. CHAMBERS: Yes.

5 THE COURT: Badge number --

6 MR. CHAMBERS: Police Officer
7 Bogan, Badge Number 3358, is the arresting
8 officer and receiving officer on the above
9 case.

10 THE COURT: All right. Okay.

11 Go ahead.

12 You can answer the question,
13 please.

14 THE WITNESS: Your Honor, I have
15 never seen these.

16 THE COURT: All right. He has
17 never seen these.

18 THE WITNESS: This is from
19 another squad and from West Philadelphia. How
20 the numbers got changed to me, I can only
21 guess.

22 THE COURT: I don't want any
23 guesses. But you have never seen this
24 document and you have nothing to do with it;
25 is that the answer?

1 THE WITNESS: That's correct,
2 sir.

3 THE COURT: Next question,
4 please.

5 BY MR. CHAMBERS:

6 Q. You Said the property receipt is in West
7 Philadelphia. Is the 16th District, which you have
8 in -3393659 in West Philadelphia as well?

9 A. Yes, it is.

10 Q. Are you aware of any investigation of Tyra
11 Devereux?

12 MR. MAZMANIAN: Objection, not
13 relevant.

14 THE COURT: Sustained.

15 MR. CHAMBERS: It would be
16 relevant to the fact that during this
17 investigation -- can I make this Exhibit-11?

18 THE COURT: Well, just tell me
19 how it's relevant before you mark anything
20 else.

21 MR. CHAMBERS: It's relevant
22 because a decision was made by Internal
23 Affairs in September of 2018 that states based
24 on this above fact, that Tyra Devereux lied to
25 Internal Affairs about her brother being a

1 drug dealer. She also lied about --

2 MR. MAZMANIAN: Objection.

3 MR. CHAMBERS: -- she also lied
4 on the police officer questionnaire form.

5 THE COURT: All right. First of
6 all, this officer doesn't know anything about
7 this form, number one, and he has been asked
8 that. Number two, I'm going to rule it's
9 irrelevant.

10 Next question, please.

11 Sustained.

12 MR. CHAMBERS: Well, I would
13 still like to put it in as an exhibit.

14 THE COURT: Well, if I view that
15 it is irrelevant and sustained the objection,
16 it's not going to be an exhibit at this point
17 until you can show me that it's relevant. And
18 so far I haven't seen it.

19 Next question.

20 MR. CHAMBERS: You didn't allow
21 me to finish. Can I finish stating the
22 relevancy?

23 THE COURT: Go ahead.

24 MR. CHAMBERS: Internal Affairs
25 made the decision that it would not be in the

1 best interest of the Department to allow
2 Police Officer Devereux to remain assigned to
3 Narcotics Bureau. So the relevancy is, during
4 this time was she or was she not a narcotics
5 officer?

6 Because on the memorandum,
7 Exhibit-10 I believe, it says that she is 25th
8 District BCRT, which is not NFU.

9 THE COURT: Just ask Officer
10 Bogan does he know Officer Devereux or does he
11 have any connection or worked with Officer
12 Devereux?

13 He can only testify to what he
14 knows. Each witness can only testify to what
15 he knows. I know you have your theories, Mr.
16 Chambers, but what you don't understand is
17 Officer Bogan can only testify, like any
18 witness, as to what he did and what paperwork
19 he may have put together as part of the work
20 he did as a police officer.

21 So, Officer Bogan, do you know
22 Officer Devereux?

23 THE WITNESS: Yes.

24 THE COURT: Okay. And how do
25 you know Officer Devereux?

1 THE WITNESS: I have known
2 Officer Devereux for at least 20 years, and I
3 have been partnered up with her twice during
4 those 20 years.

5 THE COURT: All right. And how
6 about when this case was going on in 2019,
7 were you working with officer Devereux?

8 THE WITNESS: Yes, I was.

9 THE COURT: On this particular
10 investigation?

11 THE WITNESS: Yes, I was.

12 THE COURT: All right. Go
13 ahead. Let's go.

14 BY MR. CHAMBERS:

15 Q. So, the question is, was she still a Narcotics
16 Field Unit officer in 2019?

17 A. Yes.

18 Q. Okay. Thank you.

19 MR. CHAMBERS: So, can I add my
20 exhibit?

21 THE COURT: I want to hear what
22 the question is that's going to go with the
23 exhibit. So let's go.

24 Just ask the next question.

25 MR. CHAMBERS: The question is,

1 can I add it as an exhibit?

2 THE COURT: No. Not until I
3 hear what your question is. Exhibits have to
4 be relevant.

5 MR. CHAMBERS: I asked him the
6 question. He said she was apart of the
7 Narcotics Field Unit at this time.

8 THE COURT: But that didn't --

9 MR. CHAMBERS: So I'm using this
10 as an exhibit showing that there's a
11 credibility issue with Devereux, and that she
12 may have not been a Narcotics Field Unit
13 officer at this time.

14 THE COURT: But that has nothing
15 do with with Officer Bogan.

16 MR. CHAMBERS: But it has
17 something to do what the case.

18 THE COURT: I'm not sure what it
19 has to do with the case, but as to this
20 witness it has nothing do to with. Sustained.

21 MR. CHAMBERS: Tyra Devereux is
22 the person that he allowed to fill out the
23 property receipt, which he also co-signed.
24 Furthermore, he testified that Tyra Devereux
25 also filled in the blanks on the search

1 warrant. So there's a credibility issue,
2 specially due to the fact that I'm challenging
3 the authenticity of the affidavit of probable
4 cause as well as the search warrant, which is
5 an indication that her signature and her
6 handwriting is all over it.

7 THE COURT: Okay. Did Tyra
8 Devereux fill out the property receipts form
9 working with you on the case?

10 THE WITNESS: Yes. She filled
11 out some of them. There are other officers
12 that typed up property receipts as well.

13 THE COURT: Okay. And did she
14 fill it out with you, or did you review what
15 she filled out?

16 THE WITNESS: Yes.

17 THE COURT: Which one was
18 reviewed or both?

19 THE WITNESS: Both. When we do
20 a job, Your Honor, we go inside and myself and
21 Devereux break everything down. We break the
22 drugs down, the money down, and if there's any
23 weapons. At that point Officer Devereux is
24 kind of like my right hand. And people will
25 go to Officer Devereux and say "what needs to

1 be typed," and then Officer Devereux will
2 parse it out to who comes in to type it.

3 Like, I'll type up the PARS
4 report. And like while I'm typing up the PARS
5 report, people will come to me and I'll glance
6 over the property receipt and sign it.

7 THE COURT: Okay. And when you
8 say "PARS Report," that's the main
9 investigative report that's going to be used
10 in the arrest processing; is that correct?

11 THE WITNESS: Yes, sir.

12 THE COURT: All right. Go
13 ahead, Mr. Chambers.

14 MR. CHAMBERS: Exhibit-13.

15 MR. MAZMANIAN: Your Honor, I'm
16 renewing my objection to this.

17 THE COURT: Your objection is
18 noted. I will allow him to ask the question.
19 I don't know if it's going to be appropriate,
20 but I will allow the question to be asked.

21 MR. CHAMBERS: The question was
22 already asked and answered.

23 THE COURT: Why don't you repeat
24 it again?

25 MR. CHAMBERS: There's two of

1 them. The first one is --

2 THE COURT: One question at a
3 time. Let's go.

4 BY MR. CHAMBERS:

5 Q. The first one is, do you or did you know
6 during the time that you allowed her to be a part of
7 this investigation that her credibility was an issue?

8 MR. MAZMANIAN: Objection.

9 THE COURT: Well, I think he can
10 answer that.

11 Did you know anything about
12 this?

13 THE WITNESS: I knew that
14 something came down from the District
15 Attorney's Office about how Officer Devereux
16 was not credible to testify according to the
17 current administration.

18 THE COURT: Go ahead. Next
19 question.

20 MR. CHAMBERS: The second one he
21 answered when I asked him was she still apart
22 of the Narcotics Field Unit at that time, and
23 he stated that she was.

24 THE WITNESS: Yes.

25 THE COURT: All right. Next.

1 BY MR. CHAMBERS:

2 Q. Can you explain why she would say that or why
3 Forensics would say that she is 25th District VCRT?
4 Is this also narcotics?

5 MR. MAZMANIAN: Objection. He
6 testified he didn't prepare this document.

7 THE COURT: Okay. If he didn't
8 prepare it, he can't answer it.

9 Sustained.

10 MR. CHAMBERS: Can I asked him
11 what VCRT stands for?

12 THE COURT: If he knows.

13 Go ahead.

14 THE WITNESS: Violent Crime
15 Reduction Team.

16 MR. CHAMBERS: Say it again.

17 THE WITNESS: Violent Crime
18 Reduction Team, VCRT.

19 MR. CHAMBERS: Okay. I'm going
20 to close argument for this. No more question
21 for this witness.

22 THE COURT: No more questions.
23 All right.

24 Redirect, Mr. Mazmanian.

25 - - -

REDIRECT EXAMINATION

- - -

BY MR. MAZMANIAN:

Q. Officer Bogan, we will start off with the PARS report. We heard testimony previously about the differences in names. Can you explain to His Honor how names appear on a PARS report, and why a name might be different than the person's actual legal name?

A. What happens is the first time you're ever arrested, whatever name you give to the Police Department, that name goes down as your master name even though -- if I was ever arrested and I changed my name to Timothy Agon, that would be my name throughout the entire time that I'm alive according to the Philadelphia Police Department, even though my birth certificate says Timothy Bogan. And any time I would be arrested and finger printed, my name would come up Timothy Agon. So the first time you ever give to the Police Department, that's considered your master name.

THE COURT: Go ahead.

MR. MAZMANIAN: Thank you.

BY MR. MAZMANIAN:

Q. Now, Officer Bogan, you have C-2 in front of

1 you, correct?

2 A. Yes.

3 Q. Officer Bogan, can you just look at the
4 affidavit, which is attached to C-2, as moved into
5 evidence. Is that your entire affidavit?

6 A. Yes.

7 Q. Is that what was presented to the magistrate
8 downstairs?

9 A. Yes.

10 Q. Is that your signature at the end?

11 A. That's correct.

12 Q. And when you got that, was that sealed? Were
13 there seals affixed to that?

14 A. On the originals, yes.

15 MR. MAZMANIAN: Your Honor, I
16 have no further questions.

17 THE COURT: Any recross based on
18 that?

19 MR. CHAMBERS: No questions.

20 THE COURT: All right. Officer
21 Bogan, you may step down. Thank you.

22 THE WITNESS: Thank you, Your
23 Honor.

24 THE COURT: Can this witness be
25 excused at this point?

1 MR. MAZMANIAN: Yes. I have no
2 further need for this witness, but his squad
3 is here, so I think he will still be present.

4 THE COURT: All right. Do you
5 want to call your next witness?

6 MR. MAZMANIAN: Yes, Your Honor.
7 First, may I approach and get the exhibits?

8 THE COURT: Yes, sure.

9 MR. MAZMANIAN: The Commonwealth
10 calls Officer Jeffrey Galazka.

11 THE COURT: All right.

12 THE CRIER: Your Honor, he is
13 not out there.

14 MR. MAZMANIAN: Your Honor. I
15 don't know where he went. He just may be in
16 the rest room.

17 THE COURT: Okay.

18 MR. MAZMANIAN: Because he has
19 been here, and I've spoken to him already. So
20 I know he's around.

21 THE COURT: Okay. Do you want
22 to wait a minute for him? We can just wait a
23 couple of minutes until he comes back. No
24 problem.

25 MR. MAZMANIAN: Yes. If you

1 don't mind.

2 THE COURT: Let's place this
3 motion on hold and go on to the next motion to
4 quash and proceed forward until the officer
5 comes back.

6 MR. MAZMANIAN: Thank you, Your
7 Honor.

8 As to the motion to quash in
9 this instance, there was a challenge on the
10 criminal come complaint. I object to that
11 challenge, Your Honor, based on the fact that
12 a criminal complaint only does control in
13 Municipal Court. At this point we're on the
14 bills of information. So, I object to the
15 motion to quash based on the complaint.

16 Your Honor, we do have a motion
17 to quash based on the sufficiency of the
18 bills. I am marking for this different motion
19 C-1, the bills of information, which I will
20 pass up to Your Honor. For the record, the
21 dates were amended. I did include a Post-It
22 note on the top corner. The dates were
23 amended at the last listing, I believe on
24 8/26. That Post-It note just indicates the
25 correct dates which apply to all of the

1 charges.

2 THE COURT: Okay. Just hold on
3 a second. The dates have been amended or --

4 MR. MAZMANIAN: They were
5 amended at the last listing.

6 THE COURT: They were amended on
7 8/26?

8 MR. MAZMANIAN: Yes, on the
9 record.

10 THE COURT: As to the dates?

11 MR. MAZMANIAN: As to the dates.
12 Nothing else is different. The bills are all
13 -- what's written there is what's typed out
14 and is what controls for that.

15 THE COURT: Okay. So, where it
16 says -- if I can just say, on Count 1 it says
17 "on various dates between 4/16 and 4/22,"
18 that's what it says now, right?

19 MR. MAZMANIAN: That's what it
20 would say now, yes.

21 THE COURT: That's what it says
22 here.

23 MR. MAZMANIAN: Oh, it must have
24 been updated.

25 THE COURT: On Count 1, and then



Commonwealth of Pennsylvania
CITY AND COUNTY OF PHILADELPHIA

ss:

APPLICATION FOR
SEARCH WARRANT
AND AFFIDAVIT

P/O Bogan

3358

NFU

WARRANT CONTROL NO.

212248

ISSUED TO DISTRICT

Narcotics

DATE OF APPLICATION

4-21-19

(Name and Address) (Badge No.) (District/Unit)
being duly sworn (or affirmed) before me according to law, deposes and says that there is probable cause to believe that certain property is evidence of or the fruit of a crime or is contraband or is unlawfully possessed or is otherwise subject to seizure, and is located at particular premises or in the possession of particular person as described below.

IDENTIFY ITEMS TO BE SEARCHED FOR AND SEIZED (Be as specific as possible):

RACK COCAINE, PARA, USC, WEAPONS, PROCEEDS FROM THE ILLEGAL SALES OF NARCOTICS
RECORDS OF THE ILLEGAL SALES OF NARCOTICS, ANY SUBSTANCE UNDER THE PA. CONTROLLED
SUBSTANCE ACT OF 1972.....

SPECIFIC DESCRIPTION OF PREMISES AND/OR PERSONS TO BE SEARCHED (Street and No., Apt. No., Vehicle, Safe Deposit Box, etc.):

2139 Anchor ST., 2 story row in the city and county of Phila.

NAME OF OWNER, OCCUPANT OR POSSESSOR OF SAID PREMISES TO BE SEARCHED (If proper name is unknown, give alias and/or description):

Reg Owner: Jean Paul Gulle Voter's check showed a James Rose. Target B/M wearing
all black mad to dark compl. med build

LOCATION OF (Describe conduct or specify statute):

YEAR/DATE/COMPLAINT NO.
19-15--35886

VIOLATION OF THE A. CONTROLLED SUBSTANCE ACT OF 1972

19-NFU-0381

PROBABLE CAUSE BELIEF IS BASED ON THE FOLLOWING FACTS AND CIRCUMSTANCES (See special instructions below):

REFER TO PROBABLE CAUSE SECTION OF THIS WARRANT ***

ATTACH ADDITIONAL PAPER (75-51) IF NECESSARY

X CHECK HERE IF ADDITIONAL PAPER IS USED.

PLEASE SEE REVERSE SIDE OF THIS PAGE FOR INSTRUCTIONS

SIGNATURE OF AFFIDANT /O Bogan	BADGE NO. 3358	DISTRICT NFU	Sworn to (or affirmed) and subscribed before me this <u>22nd</u> day of <u>APRIL</u> 20 <u>19</u>
COURT LOCATION CR-1301 Phila. Ct.	DATE AND TIME OF SEARCH 4.22.19 4:30	DATE COMMISSION EXPIRES 2021	JUDGE'S DISPOSITION [X] Disc. [] Held for Court [] Further Hearing [] Fined or Committed
RESULT OF SEARCH PROPERTY SEIZED	AM [] PM [X]	ARREST [X] Yes [] No	

(If "Yes" list inventory below)
[X] Yes [] No
Drugs, Weapons (Revolver, Shot Gun)
PARA, USC

IF ADDITIONAL SPACE REQUIRED, USE REVERSE SIDE - INVENTORY MUST APPEAR ON ALL COPIES OF THE WARRANT.

Inventory, subject to the penalties and provisions of 18 Pa. C.S. §4904(b) that this is a true and correct listing of all items seized.

Signature of Person Seizing Property 3286 Badge No.

OTHER OFFICERS PARTICIPATING IN SEARCH

1731, 7328, 8554, 3212, 1802, 7481
4053, 9416, 4855, 686, 959

SIGNATURE OF WITNESS TO INVENTORY (Name and Address)

SGT A. 8554 / SGT PATRICK LOVE NARCOTICS FIELD UNIT
46

I, LAW ENFORCEMENT OFFICER: WHEREAS, facts have been sworn to or affirmed before me by written affidavit(s) attached hereto from which I have found probable cause, I do authorize you to search the above described premises or person, and to seize, secure, inventory, and make return according to the Pennsylvania Rules of Criminal Procedure, the above described items.

[X] This warrant should be served as soon as practicable but in no event

later than 9:49 A.M. APRIL 21, 19

and shall be served only during daytime hours of 6 A.M. to 10 P.M.

issued under my hand this 22nd day of APRIL2019 at 9:49 A.M. M o'clock. (Issue time must be stated)

(SEAL) K. DeLo
(Signature of Issuing Authority)

Court location CR-1301 Phila. Ct.Date Commission Expires 2021 Title of Issuing Authority A.C.M.

The issuing authority should specify a date not later than two (2) days after issuance. Pa. R. Crim. P. 2003(d).

If issuing authority finds reasonable cause for issuing a nighttime warrant on the basis of additional reasonable cause set forth in the accompanying affidavit and wishes to issue a nighttime search warrant, only this section shall be completed. Pa. R. Crim. 2004(b).

INVESTIGATION REPORT

PHILADELPHIA POLICE DEPARTMENT

YEAR 0	DISTRICT OF OCCURRENCE	DC NUMBER	REPORT TYPE INITIAL (49)	Sheet	of	DISTRICT	SECTOR
PREVIOUS CLASSIFICATION	CODE	INVESTIGATING OFFICER	BADGE	PAYROLL	DIST / UNIT PREPARING	CODE	REPORT DATE
CLASSIFICATION	CODE	PLACE OF OCCURRENCE	J.A.D. INVESTIGATIONS <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Adult Offenders <input type="checkbox"/> Juvenile Offenders				
COMPLAINANT (USE FIRM NAME)			AGE	RACE	SEX		
COMPLAINANT ADDRESS						COMPLAINANT PHONE ##-##-####	
TYPE OF PREMISES	DATE REPORTED	TIME REPORTED	REPORTED BY		ADDRESS		
DATE OF OCCURRENCE	DAY CODE	TIME	FOUNDED <input type="checkbox"/> Yes <input type="checkbox"/> No	STATUS 1. <input type="checkbox"/> Active 2. <input type="checkbox"/> Inactive - not cleared 3. <input type="checkbox"/> Arrest - cleared 4. <input type="checkbox"/> Exceptionally cleared			UNIT 0
STOLEN PROPERTY 1. Currency, Bonds, etc.			PROPERTY VALUE \$	RECOVERED VALUE \$	INSURED <input type="checkbox"/> Yes <input type="checkbox"/> No	OCCURRENCE <input type="checkbox"/> Inside <input type="checkbox"/> Outside	

CONTINUATION OF PROBABLE CAUSE FOR SEARCH & SEIZURE WARRANT #212248CERTIFICATION OF COMPLIANCE

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA: CASE RECORDS OF THE APPELLATE AND TRIAL COURTS THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAT NON - CONFIDENTIAL INFORMATION AND DOCUMENT.

On Monday 4-15-19 P/O's Mangold #4477 and Winscom #7625 of Criminal Intelligence Unit passed along the following information of a B/M named Ron selling drugs using a cell phone number of 215-609-7495 around the area of Anchor and Torresdale ave (recent Homicide at this location on 4-11-19), also possibly related to the homicide sat 4800 Benner ST as well on this same date.

On 4-16-19 the following officers went to the area of Anchor and Torresdale ave. P/O's Galazka (204032), Brown (204032), Sumter (204032), Eleazer (204032) Sgt. Love (204032), Lt. Muldoon (204032)

On this date between the hours of 1p and 4p P/O Bogan (204032) and DeVeaux (204032) met with C/I #1417. P/O Bogan searched the C/I for any Illegal contraband and USC with negative results.

P/O Bogan dialed the following number 215-605-7495, the phone rang and was answered by a male's voice and turned over to the C/I. There was a one sided conversation and the location of 5400 Torresdale Ave was picked out, and the phone call was ended.

P/o Bogan then deployed his back up officers into the area, P/O Bogan gave the C/I \$40.00prbm, and the C/I exited the officers vehicle.

While the C/I waited and Nissan Quest arrived on location with P.A tag#KYZ-0624 operated by a B/M, this vehicle stopped and the C/I entered the vehicle for apprx. 1 minute then exited and back up officers followed this Nissan Quest.

The C/I got back into P/O Bogan and DeVeaux's vehicle and turned over 2 clear z/l pkts cont. crack/cocaine.

P/o Bogan searched the C/I for any additional contraband with negative results.

SIGNATURE	SIGNATURE	SIGNATURE
-----------	-----------	-----------

INVESTIGATION REPORT**PHILADELPHIA POLICE DEPARTMENT**

YEAR

DISTRICT

DC NUMBER

CONTROL NUMBER

PAGE 2

While back up officers followed the Nissan Quest(Galazka, Eleazer, Sumter, Brown, Love, Muldoon), this vehicle parked in the area of Anchor and Tulip St. and parked this vehicle on the corner while back up officers attempted to conduct a surveillance on this vehicle and when they circled the block the vehicle was unoccupied.

P/O Galazka conducted a BMV and the vehicle was registered to a Mark Chamberlain at 1235 S 58th St.

P/O Bogan conducted a Nik test G on a sample and the results were positive for Cocaine base and placed on PR#3393659

On Wednesday 4-17-19 At approx.. 5:30a P/O Bogan and DeVeaux went to the area of 1200 S 58th St to look for the Nissan Quest. The vehicle was not on location.

On Thursday 4-18-19 P/o Bogan and DeVeaux met with the C/I #1417. P/O Bogan checked the C/I for any Illegal contraband and USC with negative results.

P/O Bogan and DeVeaux did go to the area of Anchor and Tulip to see if the Nissan Quest was parked with negative results.

Between the hours of 11a and 3p P/O Bogan dialed the number of 215 609-7495 and once again the phone rang and was answered by a male's voice, and then turned over to the C/I. There was a one sided conversation and the phone call was ended.

At this time the following officers were in the area P/o Galazka, Eleazer, and Lt. Muldoon.

P/O Bogan gave the C/I \$40.00prbm and took the C/I to 5400 Torresdale ave. along with P/O DeVeaux on foot.

After appx. 5 minutes a B/M wearing all black with his hood up came walking onto the 2100 Blk of Sanger St.(walking W/B from Tulip St.)

This male made a hand motion to the C/I with his right hand, and the C/I approached this male, and handed him the \$40.00prbm, and this male handed the C/I a item in a hand to hand exchange.

This male walked N/B thru the driveway then E/B on 2100 Carver ST with DeVeaux on foot following this male.

The C/I got into P/O Bogan's vehicle and turned over 2 loose chunks of crack/cocaine. At this time P/O Bogan was in constant communication with P/O DeVeaux, and was providing the direction out to his back up officers.

P/o Bogan went E/B on the 2100 Blk of Anchor ST and observed the target walking W/B then this male crossed over and with keys opened the front door of a property (2139)and entered the location.

P/O Bogan then picked up P/O DeVeaux. P/O Bogan checked the C/I for any additional contraband with negative results.

P/O Galazka and Eleazer and based on the description of the property they obtained the address of 2139 E Anchor ST.

P/O Bogan and DeVeaux went by the location of 2100 E Sanger St and observed the Nissan Quest parked in front of 2139 E Anchor ST.

P/O Bogan conducted a NIK test G and the results were positive for cocaine and placed on PR#3393664

SIGNATURE

SIGNATURE

SIGNATURE

INVESTIGATION REPORT

PHILADELPHIA POLICE DEPARTMENT

YEAR

DISTRICT

DC NUMBER

CONTROL NUMBER

PAGE 3


A real estate check showed Jean Paul Gulle owned the property and a James Rose was registered to vote.

C/I #1417 has been used in past investigations which have resulted in the arrest and seiziurs DC# upon request.

P/O Bogan has been a POLICE OFFICER for over 29 years, P/O Bogan was assigned to the Narcotics Division in May of 1999 then transferred out in July of 2011 then transferred back into the Narcotics Division in July of 2012 and has been involved in numerous investigations where the persons selling Narcotics will drive around and make deliveries to potential buyers to make it harder on Law Enforcement to track and follow them back to their residence where they may store additional narcotics, weapons, and proceeds from their Illegal sales of Narcotics. P/O Bogan's experience with the drug delivery service is that the persons selling the Narcotics give out their cell phone number to potential customer's, these persons would then drive around and meet their potential buyers, to eliminate the constant flow of persons knocking on their front door, and not being obvious to Law enforcement or neighbors. These persons will drive around all day making deliveries, also to avoid being followed by Law Enforcement.

Based on the above circumstances your affiant believes that illegal narcotics are being stored and distributed from inside the Residence of 2139 E Anchor St . Respectfully Request a Day Time search and seizure warrant for this Property.

P/O  NFU
SIGNATURE OF AFFIANT BADGE/UNIT

SWORN TO (OR AFFIRMED) BEFORE ME THIS
22ND DAY OF APRIL 2019

SIGNATURE OF ISSUING AUTHORITY

SIGNATURE

SIGNATURE

SIGNATURE

BIOGRAPHICAL INFORMATION REPORT

☒ ARREST ☐ INVESTIGATION ☐ OTHER
(CHECK BLOCKS WHERE DOCUMENTATION EXISTS)

PHILADELPHIA POLICE DEPARTMENT

DATE 4.22.19	TIME 4:30pm	LOCATION OF INITIAL CONTACT 2139 Anchor St.		DISTRICT 15	D.C. NO. 35886	
NAME Chamberlain	LAST	FIRST Mark	MIDDLE	DOB 9-2-82	SEX M	RACE B
HEIGHT 5'9	WEIGHT 180	HAIR COLOR blk	EYE COLOR br	COMPLEXION med	BUILD med	GLASSES (YES/NO) no
FACIAL HAIR yes		MARTIAL STATUS				
ESIDENCE STREET NUMBER NAME 2139 Anchor St.		CITY/STATE (OTHER THAN PHILA) Phila PA		DIST. 15		
TYPE OF RESIDENCE		RESIDES WITH		DRIVER NUMBER		STATE
SOCIAL SECURITY NUMBER		OCCUPATION		EMPLOYER/ADDRESS		
PLACE OF BIRTH/CITY, STATE Phila PA		GROUP AFFILIATION		ETHNIC BACKGROUND		
SCARS, TATTOOS, DEFORMITIES tattoos on neck & both arms		CLOTHING DESCRIPTION grey sweatpants blk nike hoodie white sneakers		JEWELRY WORK		

VEHICLE INFORMATION

YEAR	MAKE	MODEL	COLOR	STATE	TAG	VIN
OWNER-LAST NAME, FIRST			ADDRESS			CITY
MODUS OPERANDI (METHODS, TRAITS, ETC.)					AREAS FREQUENTED	

DEFENSE
EXHIBIT
DM12

RELATIVES					
SPOUSE	LAST	MAIDEN	FIRST	ADDRESS	CITY/STATE
MOTHER	LAST	MAIDEN	FIRST	ADDRESS	CITY/STATE
FATHER	LAST	FIRST	ADDRESS	CITY/STATE	
BROTHER SISTER					
BROTHER SISTER					
BROTHER SISTER					

ASSOCIATES				
LAST NAME	FIRST NAME	ADDRESS	CITY/STATE	PPN

EDUCATION			
SCHOOL	ADDRESS	CITY/STATE	YEARS
MLK	Stenton & Haines St	Phila PA	2

CRIMINAL RECORD INFORMATION			
PPN	FBI NUMBER	PA NUMBER	OTHER NUMBER (STATE, IMMIGRATION)
PAROLE NUMBER	PAROLE OFFICER	TELEPHONE NUMBER(S)	
PROBATION NUMBER	PROBATION OFFICER	TELEPHONE NUMBER (S)	

CHIEF CRIMINAL ACTIVITY *Narcotics*

INITIATING OFFICER LAST NAME <i>DeVamp</i>	BADGE <i>3210</i>	RANK <i>P/O</i>	DISTRICT/UNIT/PLATOON <i>NFU-4B</i>
ASSIGNED INVESTIGATION	BADGE	RANK	DISTRICT/UNIT PLATOON

ADDITIONAL REMARKS
<p><i>Made in Brazil imported</i></p> <p><i>SS 414058 SB</i></p> <p><i>Ser 858203</i></p> <p><i>38 Brown</i></p> <p><i>Highmark</i></p>



LAWRENCE S. KRASNER
DISTRICT ATTORNEY

DISTRICT ATTORNEY'S OFFICE
THREE SOUTH PENN SQUARE
PHILADELPHIA, PENNSYLVANIA 19107-3499
215-686-8000

Philadelphia Police Department ("PPD") Misconduct Disclosures are provided in the form we received them from PPD. PPD redacted the documents pursuant to the PPD Office of Professional Responsibility Redaction Schedule for Police Misconduct Disclosure Requests, available from the PPD. Because these documents are a redacted version of the original documents, the defense may obtain, through compulsory process (i.e. a subpoena served on the PPD), additional and unredacted documents relating to qualifying misconduct. Further, additional documents relating to complaints against police, if any such complaints have been made, may also be found with the PPD.

DEFENCE
EXHIBIT
DM11



PHILADELPHIA POLICE DEPARTMENT MISCONDUCT DISCLOSURE

REQUEST

Rank:	Name:	Badge:	Current Assignment:
P/OFF	DEVEAUX TYRA	3212	NARC FIELD UNIT

Date Requested:	9/15/2018
Requested By:	Philadelphia D.A. Office, Patricia Cummings
Pertinent Case Number:	CP51CR00035862017
Request Filled By:	Office of Professional Responsibility, Lt. Brad Lukach
Request Filled Date:	9/28/2018
Request Filled Method:	EMAIL ATTACHMENT

Please review the following attachments:

IAD Investigative Conclusion
PBI Findings Sheet

01-1134

Internal Affairs Division

CONCLUSION

The allegation that P/O Deveaux#3212, PR# [REDACTED] was associating with a known drug dealer is SUSTAINED. P/O Deveaux violated the Philadelphia Police Department Disciplinary Code Article 1, Section 1.25, which states: Knowingly associates, fraternizes, or conducts business transactions at any time, or in any manner whatsoever, with known criminals or persons engaged in unlawful activity. The investigation revealed that P/O Deveaux had ample information from P/O [REDACTED] to determine that [REDACTED] was involved in criminal activity.

In addition, the investigation SUSTAINED the fact that P/O Deveaux failed to list her brother, [REDACTED] on her Personal Data Questionnaire. In not doing so she violated Section 1.15 of the Disciplinary Code, which reads: Knowingly and willfully making a false entry in any departmental report or record.

P/O Deveaux also violated Sections 1.11 and 1.12 of the Disciplinary Code when she denied, in two separate IAD interviews, knowing that [REDACTED] had been arrested. It is not believable that P/O Deveaux, a trained investigator, did not know that her half brother had a criminal record. Especially in light of the information P/O Deveaux had received from P/O [REDACTED] that [REDACTED] had seen [REDACTED] in the Criminal Justice Center on several occasions.

Based on the above facts, it does not appear to be in the best interest of the Department for P/O Deveaux to remain assigned to the Narcotics Bureau.

A copy of this report will be sent to the Police Board of Inquiry for action and then review by the Commanding Officer, Narcotic Field Unit-South.

[REDACTED]

INSPECTOR
INTERNAL AFFAIRS DIVISION



PHILADELPHIA POLICE DEPARTMENT

MISCONDUCT DISCLOSURE

PBI FINDINGS

Hearing Date:	PBI#:	IAD#:
		01-1134

Rank:	Name:	Badge:	Current Assignment:
Police Officer	Deveaux, Tyra	3212	Narcotics Field Unit

Article/Section:	Charge:	Board Finding:	Penalty:
	<i>Per PBI no records available at this time.</i>		

Total Penalty:	
----------------	--

Arbitration/Settlement:	
-------------------------	--



U.S. Department of Justice

United States Attorney

Eastern District of Pennsylvania

*J. Jeanette Kang
Direct Dial: (215) 861-8204
Facsimile: (215) 861-8618
E-mail Address: jeanette.kang@usdoj.gov*

*615 Chestnut Street
Suite 1250
Philadelphia, Pennsylvania 19106-4476
(215) 861-8200*

FILED UNDER SEAL

January 11, 2022

Honorable Mitchell S. Goldberg
Judge, United States District Court
7614 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1744

*Re: United States v. Mark Chamberlain
Criminal No. 20-cr-362*

Dear Judge Goldberg:

The government writes to disclose information we have learned about Officer Jeffrey Galazka of the Philadelphia Police Department, who testified during the January 6, 2022 suppression hearing in the above-referenced case. After the suppression hearing, the government learned that Officer Galazka has an open Internal Affairs Division ("IAD") complaint that was initiated in January 2020. The complaint relates to an allegation of theft in a domestic dispute between Officer Galazka's former squad partner and the squad partner's estranged spouse. A Corporal with the IAD advised that this complaint remains open because IAD has been unable to interview Officer Galazka's former squad partner due to his ongoing injured-on-duty status.

Given the sensitivity of this disclosure, and the importance of protecting the integrity of nonpublic and open Internal Affairs investigations, the government asks that the Court grant the government's motion to file this letter under seal and the government's motion for a protective order that would limit dissemination of this letter, which have been submitted to the Court.

Respectfully yours,

JENNIFER ARBITTIER WILLIAMS
United States Attorney

/s/ J. Jeanette Kang

J. Jeanette Kang
Assistant United States Attorney

cc: Mark Wilson, Esq. (Counsel for Defendant, Mark Chamberlain)

Mark Wilson

From: Adina Greenfield
Sent: Wednesday, April 20, 2022 10:12 AM
To: Mark Wilson
Subject: M Chamberlain

Hi Mark,

Just as a recap of our conversation yesterday. On April 19, 2022, I went to CJC and viewed all the search warrants the Office of Judicial Records have for April and May of 2019. I didn't see any search warrants with the Sanger or Anchor street addresses. Marl Gaillard. The Deputy Director of the Office informed me they scan the search warrants as they are received. Mr. Gaillard stated some days they receive a lot of search warrants and other days they receive none. It is all dependent upon when the police districts send a copy to their office. Mr. Gaillard is looking into whether his office received a copy of the search warrant in this case (Search warrant #212248) as I didn't see it in their system. Please let me know if you need anything else.

Adina Greenfield Trial Unit Investigator
Federal Community Defender –EDPA
601 Walnut Street
Suite 540 West –The Curtis Center
Philadelphia, Pa. 19106
215-928-1100 Phone
267-273-5046 Mobile
215-928-1112 Fax

I, THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF AND THAT PROBABLE CAUSE TO ARREST EXISTS.

Affiant: DET MARTIN SHEERON MARTIN 654 East Detectives Division
Sworn to or affirmed and subscribed before me this 10 day of January, 2019

Affiant Signature

Issuing Authority Signature



Printed: 01/10/2019 07:57 PM

Page 4 of 4 Pages

DANIEL KING

INDEX NO. 3358	DEPARTMENT NPU	Sworn to (or affirmed) and subscribed before me this day of <u>Jan</u> , 20 <u>19</u>	<u>2019</u>
LOCATION CR-1301	DATE AND TIME OF SEARCH 4-22-19 4:30	ARREST Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	JUDGES DISPOSITION <input type="checkbox"/> Dis. <input type="checkbox"/> Hold for Court <input type="checkbox"/> Further Hearing <input type="checkbox"/> Fined or Committed
SEARCHED <input checked="" type="checkbox"/> INDEXED <input checked="" type="checkbox"/> SERIALIZED <input checked="" type="checkbox"/> FILED <input checked="" type="checkbox"/> DRUGS, Weapons (REVOLVER, SHOT GUN) PARA, USC			
NATIONAL SPACE REQUIRED, USE REVERSE SIDE - INVENTORY MUST APPEAR ON ALL COPIES OF THE WARRANT. OTHER OFFICERS PARTICIPATING IN SEARCH 1731, 7328, 8554, 8212, 1802, 7481 4053, 9416, 4855, 686, 959 NARCOTICS FIELD UNIT 48			
LAW ENFORCEMENT OFFICER: WHEREAS, facts have been sworn to or affirmed before me by written affidavit(s) attached hereto from which I have found probable cause, I authorize you to search the above described premises or person, and to seize, secure, inventory, and make return according to the Pennsylvania Rules of Criminal Procedure, the following items: 1. 1731, 7328, 8554, 8212, 1802, 7481 2. 4053, 9416, 4855, 686, 959 3. NARCOTICS FIELD UNIT 4. 48			
This warrant should be served as soon as practicable but in no event later than <u>9:49</u> A.M. <u>Jan 11</u> 20 <u>19</u> and may be served anytime during day or night. Issued under my hand this <u>2019</u> day of <u>Jan</u> at <u>9:49</u> A.M. (Issue time must be stated) (Signature of Issuing Authority) <u>A.C.M.</u> Title of Issuing Authority <u>2021</u>			

Commonwealth of Pennsylvania

AFFIDAVIT OF PROBABLE CAUSE

MC Transcript

Page 1 of 2

PARS


Commonwealth VS.
DANIEL KING

Address:

 0 HOMELESS ST
 Philadelphia PA 19100-

PID: 1115984

SID: 39353628

DOB: 03/10/1998

Dckt/MC#

BAP Interview

MC51-CR-0025449-2018

COMPLAINT FILED BY:

Name: CITIZENS BANK

Date: 10/04/2018

OTN#: U1387141

DC#

18-35-051176

Codefendants: 0

Complainants: 1

State Chrg	Ct	Description
CC3701	2000S	ROBBERY
CC2705	37550	TERRORISTIC THREATS
CC3925	58001	THEFT-RSP

Gr	Ct	State Chrg	O Court	Description
F1	01	CC0907	43001	PIC
M1	01	CC3921	50002	THEFT-UNLWF TAKING
M1	01			

Gr	Ct
M1	01
M1	01

Arrest Date: 10/03/2018 BY: MATTHEW CAREY MATTHEW

Next Action Date: 10/18/2018 Time: 08:00

Arraignment Disposition: Bail

Amount: \$50,000.00

Conditions of Release:

Detainer Issued

Stay-Away Order Issued

Notes: See Supplemental Page For Complete Text

Badge#: 283612 Group Id: 1

Next Action Location: 803: 1301 Filbert Street, Stout Center

Arrest Type: WA

Appeal Information

Bail Appeal Judge:

Appeal By:

Special Needs:

AC Magistrate: KEVIN

DEVLIN

Attorney for Def: Public Defender

Court Clerk: MARGARET SOLOMON

AD/ADA Rep: NICO CERIALE

Arraignment Site: PD

Arraignment Date: 10/04/2018 Time: 09:54

Preliminary Hearing or Trial Continuances

First Action	Continued To	Reason for Continuance	Code	<input type="checkbox"/> B.W. Issued	Judge
Further Action	Continued To	Reason for Continuance	Code	<input type="checkbox"/> B.O.S.O.	Judge
Further Action	Continued To	Reason for Continuance	Code	<input type="checkbox"/> B.W. Issued	Judge
Further Action	Continued To	Reason for Continuance	Code	<input type="checkbox"/> B.O.S.O.	Judge
Further Action	Continued To	Reason for Continuance	Code	<input type="checkbox"/> B.W. Issued	Judge
Further Action	Continued To	Reason for Continuance	Code	<input type="checkbox"/> B.O.S.O.	Judge

Preliminary Hearing Disposition

Date	Place	Attorney for Defendant (Name and Address)
------	-------	---

Court Clerk	Court Reporter	Atty No.	ADA
-------------	----------------	----------	-----

After (preliminary) hearing, accuse defendant is held for Court as follows:

Arraignment Date and Room

It is ordered that the charges against the defendant are to be presented to the District Attorney for the preparation of information.

Date:

Judge:

Trial Disposition Date

Date	Place	Attorney for Defendant (Name and Address)	Atty No.
------	-------	---	----------

Court Clerk	Court Reporter	Plea	Verdict	Atty for Prosecution
-------------	----------------	------	---------	----------------------

Sentence:

I hereby certify that the above is a true and correct return and transcript. Witness my hand and Seal

Judge:

Date:

(Seal)

Use reverse side for additional notes

PROPERTY RECEIPT <input type="checkbox"/> LOST AND FOUND <input type="checkbox"/> FOR INVESTIGATION <input type="checkbox"/> PERSONAL PROPERTY FOR SAFEKEEPING <input checked="" type="checkbox"/> EVIDENCE	FROM WHOM TAKEN	AGE	SEX	NO 3393678	
	MARK CHAMBERLAIN	36	B/M		
	ADDRESS	DATE	TIME	DISTRICT	UNIT
	2139 ANCHOR STREET	4/22/19	4:00PM	NFU	4B
	OWNER (If Known)	LAB USER FEE REQUESTED		DC NO.	
SAME AS ABOVE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		19-15-35886		
ADDRESS			SEIZURE NO.		
SAME AS ABOVE					
DEFENDANT'S NAME	BULK OF PROPERTY STORED AT				
SAME AS ABOVE	POLICE CHEM LAB				

ITEMS OF PROPERTY AND CIRCUMSTANCES UNDER WHICH IT WAS RECEIVED INCLUDING THE EXACT LOCATION TAKEN FROM

EVIDENCE: ITEM#1-LOOSE CHUNKS OF ALLEGED CRACK COCAINE. ITEM#2-ONE(1) PKT OF ALLEGED HEROIN, TWENTY-SIX(26) PKTS OF SUBOXONE AND SEVEN(7) PKTS OF ALLEGED CRACK COCAINE INSIDE OF A KNOTTED SANDWICH BAGGIE. ITEM#3-OEN(1) BOTTLE OF SYRUP WITH A MISSING LABEL AND ONE CLEAR CONTAINER WITH A BLUE CAP CONTAINING FOUR OXY'S(TWO BLUE AND TWO ORANGE PILLS).

CIRCUMSTANCES: THE ABOVE LISTED ITEM#1 WAS PURCHASED BY A C/I USING PRE RECORDED N BUY MONEY ON THE ABOVE LISTED DATE. THE ABOVE LISTED ITEM#2 WAS CONFISCATED FROM THE DEPT., ON AND AT THE ABOVE LISTED DATE AND TIME OF HIS ARREST. THE ABOVE LISTED ITEM#3 WAS O CONFISCATED WHILE EXECUTING SW#212248 ON AND AT THE ABOVE LISTED DATE AND TIME.

FIELD TEST: A NIK TEST "G" WAS CONDUCTED ON THE ABOVE LISTED ITEM#1 BY P/O BOGAN #3358 WITH POSITIVE RESULTS FOR THE PRESENCE OF CRACK COCAINE.

CHARGES: N1336F, N1316M UCR:1807

CASE#: 19-NFU-381

CO-DEFENDANTS: REFER TO 75-49

ADDITIONAL PR#: REFER TO 75-49

If the person from whom the above amount of money and/or property was taken does not sign below, state reason why:

RECEIVED BY POLICE DEPARTMENT

Arresting or Receiving Officer: (If personal property for safe-keeping, Desk Supervisor is the Receiving Officer)

PERSON FROM WHOM TAKEN (Signature)

WITNESS (Signature)

BADGE NO. (Type)

SIGNATURE

BADGE NO. (Type)

P/O DEBEAUX

3212

P/O BOGAN

3358

TRANSFERRED TO EVIDENCE CUSTODIAN/COLLECTOR

I hereby acknowledge receipt of the above listed items.

(Date)

(Time)

(Evidence Custodian/Collection)

RELEASE FROM CUSTODY OF POLICE DEPARTMENT

This will acknowledge the receipt from the Police Department of the City of Philadelphia of the amount of money and/or property listed above, and will constitute the release of the City of Philadelphia and its agencies from any and all future responsibility therefor.

☐ Returned to Owner or Agent

☐ Confiscated by Court

☐ Destroyed by Order of Court

Petition No. _____

☐ Escheat to State

Escheat List No. _____

☐ To Department of Collections

☐ Other Disposition (Explain): _____

RECEIVED BY (Owner or Agent)

OWNER OR AGENT (Signature)

WITNESS (Signature)

BADGE NO.

DATE

RECEIVED BY (Other than Owner or Agent)

SIGNATURE AND TITLE

WITNESS

DATE

Defendants 000011

POLICE DEPARTMENT

Philadelphia Police Department
Office of Forensic Science
CHEMISTRY UNIT

CHEM Evidence Control Data Sheet

Document ID: 3526
Revision # 4 - 7/21/16
Page 1 of 1

EVIDENCE CONTROL DATA (CHEMISTRY - FORM A)		CITY OF PHILADELPHIA POLICE DEPARTMENT OFFICE OF FORENSIC SCIENCE		DATE / TIME STAMP
LABORATORY NUMBER 19-06643		RECEIVED BY Keith Jones		05-06-2019 11:25:53
CONDITION OF SEAL (AT EVIDENCE INTAKE) <input checked="" type="checkbox"/> SEAL INTACT <input type="checkbox"/> RECEIVED UNSEALED: EVIDENCE CONSISTENT WITH PR <input type="checkbox"/> RECEIVED UNSEALED: PR CORRECTED TO MATCH EVIDENCE				
SUBMITTED BY (PLEASE PRINT) Sean P. O'Malley		BADGE 6991	PAYROLL NUMBER 223939	
D.C. NUMBER 19- 12 35886 029316		PROPERTY RECEIPT NUMBER 1303768-3393678	SUBMITTED BY (SIGNATURE) 	
SECTION 1: SEAL INTEGRITY VERIFICATION				
DATE	INITIALS	CONDITION OF SEAL	REMARKS	
05/06/2019	2lu	Intact		
SECTION 2: EVIDENCE INVENTORY				
DATE	INITIALS	REMARKS		
05/06/2019	2lu/CS/13	EVIDENCE CONSISTENT WITH PROPERTY RECEIPT <input type="checkbox"/>		
		PROPERTY RECEIPT CORRECTED TO MATCH EVIDENCE <input checked="" type="checkbox"/>		
		EVIDENCE CONSISTENT WITH PROPERTY RECEIPT <input type="checkbox"/>		
		PROPERTY RECEIPT CORRECTED TO MATCH EVIDENCE <input type="checkbox"/>		
		EVIDENCE CONSISTENT WITH PROPERTY RECEIPT <input type="checkbox"/>		
		PROPERTY RECEIPT CORRECTED TO MATCH EVIDENCE <input type="checkbox"/>		
		EVIDENCE CONSISTENT WITH PROPERTY RECEIPT <input type="checkbox"/>		
		PROPERTY RECEIPT CORRECTED TO MATCH EVIDENCE <input type="checkbox"/>		
SECTION 3: TO BE USED WHEN BEAST LIMS IS NOT USED				
DATE	TIME	INITIALS	REMARKS	

19-06643

DEFENSE
EXHIBIT
DM3

<input type="checkbox"/> LOST AND FOUND <input type="checkbox"/> FOR INVESTIGATION <input type="checkbox"/> PERSONAL PROPERTY FOR SAFEKEEPING <input type="checkbox"/> EVIDENCE	ADDRESS 5200 Kershaw street	DATE 04-19-19	TIME 12:30 P M	DISTRICT NB	UNIT 7401
	OWNER (If Known) Rashon Carter	LAB USER FEE REQUESTED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		DC NO. 19-19-029316	
	ADDRESS 6210 Hazel avenue	SEIZURE NO.			
	DEFENDANT'S NAME Rashon Carter	BULK OF PROPERTY STORED AT Police Chem Lab			

ITEMS OF PROPERTY AND CIRCUMSTANCES UNDER WHICH IT WAS RECEIVED INCLUDING THE EXACT LOCATION TAKEN FROM

1. EVIDENCE: Item #1, (4) Blue Glassine packets containing alleged Heroin, Item #2, (1) clear sandwich baggie contain alleged marijuana, (2) clear containers (1) yellow container of alleged marijuana, (2) blue glassine pack alleged heroin.

2. CIRCUMSTANCES: The above evidence Item #1, was purchased by C/I #01060, above Item #2, was recovered from the abt defendant at 5200 Kershaw street.

3. FIELD TEST RESULTS: A NIK Test "E" was performed on a sample of the above alleged Marijuana with positive results the presence of marijuana.

4. NARCOTICS CASE #: 19-NU-355

5. CHARGES: N1316M, N1330F, (1805)

6. ADDITIONAL PROPERTY RECEIPTS: Refer to 75-49

7. CO-DEFENDANTS: Refer to 75-49

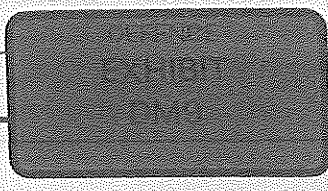
If the person from whom the above amount of money and/or property was taken does not sign below, state reason why:	RECEIVED BY POLICE DEPARTMENT	
	Arresting or Receiving Officer: (If personal property for safe keeping, Desk Supervisor is the Receiving Officer)	
Person from whom taken (Signature) Refuse to sign	BADGE NO. (Type) 427	SIGNATURE P/O Jordan #0760
Witness (Signature) J. L. Hester		BADGE NO. (Type) 6760

TRANSFERRED TO EVIDENCE CUSTODIAN/COLLECTOR

I hereby acknowledge receipt of the above listed items.

(Date) (Time) (Evidence Custodian/Collection)

RELEASE FROM CUSTODY OF POLICE DEPARTMENT	
This will acknowledge the receipt from the Police Department of the City of Philadelphia of the amount of money and/or property listed above, and will constitute the release of the City of Philadelphia and its agencies from any and all future responsibility therefor.	
<input type="checkbox"/> Returned to Owner or Agent <input type="checkbox"/> Confiscated by Court <input type="checkbox"/> Destroyed by Order of Court Petition No. _____ <input type="checkbox"/> Escheat to State Escheat List No. _____ <input type="checkbox"/> To Department of Collections <input type="checkbox"/> Other Disposition (Explain): _____	RECEIVED BY (Owner or Agent)
	OWNER OR AGENT (Signature)
	WITNESS (Signature) BADGE NO. DATE
	RECEIVED BY (Other than Owner of Agent)
	SIGNATURE AND TITLE
	WITNESS



Docket Number: MC-51-CR-0010379-2019
CRIMINAL DOCKET
 Court Case



Commonwealth of Pennsylvania
 v.
 Rashon Carter

Page 5 of 10

DISPOSITION SENTENCING/PENALTIES

Disposition Case Event Sequence/Description Sentencing Judge Sentence/Diversion Program Type Sentence Conditions	Disposition Date Offense Disposition Sentence Date Incarceration/Diversionary Period	Final Disposition Grade Section Credit For Time Served Start Date
2 / Conspiracy	Proceed to Court	F 18 \$ 903 \$\$ C
3 / Criminal Use Of Communication Facility	Proceed to Court	F3 18 \$ 7512 \$\$ A
4 / Int Poss Contr Subst By Per Not Reg	Proceed to Court	M 35 \$ 780-113 \$\$ A16
5 / Poss Of Marijuana	Proceed to Court	M 35 \$ 780-113 \$\$ A31

Dismissed - LOP

Disposition Case Event Sequence/Description Sentencing Judge Sentence/Diversion Program Type Sentence Conditions	Disposition Date Offense Disposition Sentence Date Incarceration/Diversionary Period	Final Disposition Grade Section Credit For Time Served Start Date
Preliminary Hearing	10/09/2019	
1 / Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	Dismissed - LOP	F 35 \$ 780-113 \$\$ A30
2 / Conspiracy	Dismissed - LOP	F 18 \$ 903 \$\$ C
3 / Criminal Use Of Communication Facility	Dismissed - LOP	F3 18 \$ 7512 \$\$ A
4 / Int Poss Contr Subst By Per Not Reg	Dismissed - LOP	M 35 \$ 780-113 \$\$ A16
5 / Poss Of Marijuana	Dismissed - LOP	M 35 \$ 780-113 \$\$ A31

COMMONWEALTH INFORMATION

Name: Philadelphia County District Attorney's
 Office
 Prosecutor

Supreme Court No:
 Phone Number(s):
 215-688-8000 (Phone)

Address:
 3 South Penn Square
 Philadelphia, PA 19107

ATTORNEY INFORMATION

Name: Gina A. Amoriello
 Court Appointed

Supreme Court No: 082163

Rep. Status: Active

Phone Number(s):
 215-389-3090 (Phone)
 215-389-3090 (Office)

Address:
 1515 Market St Ste 1200
 Philadelphia, PA 19102

Representing: Carter, Rashon

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
1	04/20/2019		Municipal Court - Philadelphia County
PARS Transfer			
2	04/20/2019		Stack, Patrick
Ball Set - Carter, Rashon			

CPCMS 9082

Printed: 05/03/2022

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assume any liability for inaccurate or delayed data, errors or omissions on these reports. Docket Sheet Information should not be used in place of a criminal history background check which can only be provided by the Pennsylvania State Police. Moreover an employer who does not comply with the provisions of the Criminal History Record Information Act may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

Capone, Joseph

From: Unger, Roseanne
Sent: Wednesday, March 9, 2022 11:34 AM
To: Dugan, Patrick; Capone, Joseph
Cc: Scurry, Carole
Subject: FW: US v Chamberlain
Attachments: Arraignment Court .pdf



Judge,

Please see the below request for the ACM schedule for April 22, 2019. Below is Carole's copy of the April schedule for that time period which reflect changes. I'll defer to Joe to share just 4/22/2019 or the entire page with Legal. Thank you.

Roseanne

PHILADELPHIA MUNICIPAL COURT
Arraignment Court Magistrate Schedule
January 1, 2019 through December 31, 2019
**Continuing Education Training ~ April 29, 2019 – May 2, 2019*

DAY	DATE	BERNARD	BEDFORD	O'BRIEN	STACK	RICE	DEVLIN
TUES	APR 2	OFF	OFF	SB	3:30	11:30	7:30
WED	APR 3	11:30	7:30	3:30	OFF	OFF	SB
THUR	APR 4	11:30	7:30	3:30	OFF	OFF	SB
FRI	APR 5	11:30	7:30	3:30	OFF	OFF	SB
SAT	APR 6	11:30	7:30	3:30 - Annual	OFF	OFF	SB - 3:30
SUN	APR 7	11:30	7:30	3:30 - Annual	OFF	OFF	SB - 3:30
MON	APR 8	OFF	SB	OFF	11:30	7:30	3:30
TUES	APR 9	OFF	SB	OFF	11:30	7:30	3:30
WED	APR 10	OFF	SB	OFF	11:30	7:30	3:30
THUR	APR 11	OFF	SB	OFF	11:30	7:30	3:30
FRI	APR 12	OFF	SB - 3:30	OFF	11:30	7:30	3:30 - Annual
SAT	APR 13	Switch w/OB 7:30-11:30	3:30	Switch w/Bernard 11:30-7:30	OFF	SB	OFF
SUN	APR 14	Switch w/OB 7:30-11:30	3:30	Switch w/Bernard 11:30-7:30	OFF	SB	OFF

MON	APR 15	Switch w/JOB 7:30-11:30	3:30	Switch w/Bernard 11:30 7:30	OFF	SB	OFF
TUES	APR 16	Switch w/JOB 7:30-11:30	3:30	Switch w/Bernard 11:30 7:30	OFF	SB	OFF
WED	APR 17	Switch w/JOB 7:30-11:30	3:30	Switch w/Bernard 11:30 7:30	OFF	SB	OFF
THUR	APR 18	SB	OFF	OFF	Switch w/Devlin 7:30-11:30	3:30	Switch w/Stack 11:30 7:30
FRI	APR 19	SB	OFF	OFF	Switch w/Devlin 7:30-11:30	3:30	Switch w/Stack 11:30 7:30
SAT	APR 20	SB	OFF	OFF	Switch w/Devlin 7:30-11:30	3:30	Switch w/Stack 11:30 7:30
SUN	APR 21	SB	OFF	OFF	Switch w/Devlin 7:30-11:30	3:30	Switch w/Stack 11:30 7:30
MON	APR 22	SB	OFF	OFF	Switch w/Devlin 7:30-11:30	3:30	Switch w/Stack 11:30 7:30
TUES	APR 23	Switch w/Bedford 3:30-11:30	Switch w/Bernard 11:30 3:30	7:30	SB	OFF	OFF
WED	APR 24	Switch w/Bedford 3:30-11:30	Switch w/Bernard 11:30 3:30	7:30	SB	OFF	OFF
THUR	APR 25	Switch w/Bedford 3:30-11:30 - sick/family	Switch w/Bernard 11:30 3:30	7:30	SB - 11:30	OFF	OFF
FRI	APR 26	Switch w/Bedford 3:30-11:30	Switch w/Bernard 11:30 3:30	7:30	SB	OFF	OFF
SAT	APR 27	Switch w/Bedford 3:30-11:30	Switch w/Bernard 11:30 3:30	7:30 - Annual	SB - 7:30	OFF	OFF



Commonwealth of Pennsylvania

CITY AND COUNTY OF PHILADELPHIA

ss:

APPLICATION FOR SEARCH WARRANT AND AFFIDAVIT

P/O Bogan

3358

NFU

WARRANT CONTROL NO.

212248

(Name and Affiant)

(Badge No.)

(District/Unit)

being duly sworn (or affirmed) before me according to law, deposes and says that there is probable cause to believe that certain property is evidence of or the fruit of a crime or is contraband or is unlawfully possessed or is otherwise subject to seizure, and is located at particular premises or in the possession of particular person as described below.

Narcotics

DATE OF APPLICATION

4-21-19

IDENTIFY ITEMS TO BE SEARCHED FOR AND SEIZED (Be as specific as possible):

CRACK COCAINE, PARA, USC, WEAPONS, PROCEEDS FROM THE ILLEGAL SALES OF NARCOTICS RECORDS OF THE ILLEGAL SALES OF NARCOTICS, ANY SUBSTANCE UNDER THE PA. CONTROLLED SUBSTANCE ACT OF 1972.....

SPECIFIC DESCRIPTION OF PREMISES AND/OR PERSONS TO BE SEARCHED (Street and Hn., Apt. No., Vehicle, Safe Deposit Box, etc.):

2139 Anchor ST 2 story row in the city and county of Phila.

NAME OF OWNER, OCCUPANT OR POSSESSOR OF SAID PREMISES TO BE SEARCHED (If proper name is unknown, give alias and/or description):

Reg Owner: Jean Paul Gulle Voter's check showed a James Rose. Target B/M wearing all black med to dark compl. med build

VIOLATION OF (Describe conduct or specify statute):

YEAR/DIST/COMPLAINT NO.

19-15--35886

VIOLATION OF THE A. CONTROLLED SUBSTANCE ACT OF 1972

19-NFU-0381

PROBABLE CAUSE BELIEF IS BASED ON THE FOLLOWING FACTS AND CIRCUMSTANCES (See special instructions below):

REFER TO PROBABLE CAUSE SECTION OF THIS WARRANT ***

Approved by: ADA Kate Lewis
4/21/19 @ 12:32 PM

ATTACH ADDITIONAL PAPER (75-51) IF NECESSARY

X CHECK HERE IF ADDITIONAL PAPER IS USED.

PLEASE SEE REVERSE SIDE OF THIS PAGE FOR INSTRUCTIONS

SIGNATURE OF AFFIANT

BADGE NO.

DIST/UNIT

P/O Bogan

3358

NFU

Sworn to (or affirmed) and subscribed before me this _____

day of _____ 20 _____

COURT LOCATION

(Signature of Issuing Authority) (SEAL)

Date Commission Expires

RESULT
OF SEARCH

DATE AND TIME OF SEARCH

☐ A.M.
☐ P.M.

ARREST

☐ Yes ☐ No

JUDGE'S DISPOSITION

☐ Disc. ☐ Held for Court ☐ Further Hearing ☐ Fined or Committed

PROPERTY SEIZED

(If "Yes" list inventory below)

☐ Yes ☐ No

IF ADDITIONAL SPACE REQUIRED, USE REVERSE SIDE -- INVENTORY MUST APPEAR ON ALL COPIES OF THE WARRANT.

I certify, subject to the penalties and provisions of 18 Pa. C.S. §4904(h) that this is a true and correct listing of all items seized.

OTHER OFFICERS PARTICIPATING IN SEARCH

Signature of Person Seizing Property

Badge No.

SIGNATURE OF WITNESS TO INVENTORY (Name and Address)

Philadelphia Police Department

Office of Forensic Science

CHEMISTRY UNIT

Correction to Property Receipt Memo

Document ID: 4113

Revision # 4 - 6/29/16

Page 1 of 1

MEMORANDUM

POLICE

CITY OF PHILADELPHIA

DATE: 05/06/2019

TO : Chief Inspector, () Regional Operations South, () Regional Operations North, () Narcotics Bureau,
() Detective Bureau, () Homeland Security Bureau, () Unit Chief, District Attorney's Office

FROM : Forensic Laboratory Manager, Chemistry Unit

SUBJECT : CORRECTION TO PROPERTY RECEIPT

PR #: 3393678

DC #: 19-15-35886

LAB #: 19-6643

1. On 04/22/19 Police Officer Bogan Badge # 3358 assigned to 15th/ NFU District / Unit was the arresting / receiving officer on the above case. The Property Receipt was prepared by Police Officer Deveaux Badge # 3212 assigned to 25th/ VCRT District/Unit.

Be advised that a change was made to the Property Receipt at the Office of Forensic Science due to the following:

(X) count changed

() drug evidence not received

(X) drug evidence received not listed on Property Receipt

() evidence description changed

() non-drug evidence not received

() non-drug evidence received not listed on Property Receipt

() Directive not followed

From: ...Item #2- one (1) pkt of alleged heroin, twenty-six (26) pkts of suboxone ...

...Item #3- ...and one clear container with a blue cap containing four oxy's (two blue and two orange pills) 2x 05/07/2019

To: ...Item #2- one (1) pkt containing a blue glazed pkt of alleged heroin, twenty-seven (27) pkts of suboxone ...

...Item #3- ...and one clear container with a blue cap containing four oxy's (two blue and two orange pills) and green vegetable residue

2. Thank you for your attention to this matter.

Halvut Aew
Analyst - HC

forensic
Forensic Laboratory Manager

02-5-1 (Rev. 3/59)

RESPONSE TO THIS MEMORANDUM MAY BE MADE HEREON IN LONGHAND

ISSUING AUTHORITY: Director, Office of Forensic Science

EXHIBIT
DM10